

1 REPRESENTATIVE JESSE JONES: Thank  
2 you very much, Mr. Chairman, and the Members of the  
3 Committee and Chairman Denny.

4 This is kind of similar, but a little --  
5 almost a little clean-up deal in terms of The League  
6 of Women Voters every once in a while turns out a  
7 little sheet like this, you know, with some -- and  
8 this one is a top five risk to eligible voters with  
9 some solutions. And (inaudible). And it happens to  
10 be one that's listed here in the first little dot  
11 that's here. The package here says, "Provide timely  
12 notice to the voter before (inaudible) person is  
13 (inaudible) so that corrections be -- can be made."

14 And there are a number of reasons why a  
15 person may be -- may be purged. And the law now  
16 requires that timely notice -- well, I believe it  
17 said immediately -- immediate notice should be --  
18 should be given at this time.

19 Inasmuch as many of us have had some  
20 experience with deliberate speed, our -- that  
21 (inaudible) go for some years, we've kind of wanted  
22 to put a little bit of -- kind of bracket that in  
23 terms of some reasonable time.

24 If a person happens to be purged  
25 erroneously or -- and even if one just doesn't catch



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37

1 maybe just a very few individuals every once in a  
2 while, we agreed to -- if we take someone off the  
3 role, they should not be taken off the role for any  
4 reason and they are disenfranchised, then I think  
5 perhaps it -- it -- it kind of causes us to -- to  
6 question the system to an extent.

7 And so we thought perhaps it would be  
8 appropriate that having just to have persons  
9 notified immediately that we give a timeframe, but  
10 not later than 30 days after the date of the voter's  
11 registration has been canceled. And so we think  
12 that's reasonable. Just a minor adjustment to the  
13 law. And that might perhaps have to take this --  
14 they only have two in that category, The League of  
15 Women Voters, if this should happen to pass.

16 And I would be pleased to respond to some  
17 questions.

18 CHAIRMAN BOHAC: Thank you,  
19 Representative Jones.

20 Members, are there any questions?

21 The Chair will now call Cliff Borofsky  
22 representing Bexar County. He is against the bill.

23 CLIFF BOROFSKY: Hi. Cliff Borofsky,  
24 Bexar County Elections Administrator. Actually, I  
25 wanted to come on and say I changed. I'm for the



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38

1 bill, because I saw the substitute after I came in.  
2 And one of the portions of 16032 [sic] that was in  
3 there has been removed in the substitute. And that  
4 would have required a notice to the people who were  
5 purged after November, which would have been, of  
6 course, thousands of letters, probably 65 to 70,000  
7 in our county, to people that hadn't been where they  
8 were for four years. So there wouldn't be any point  
9 in sending them a letter on a practical basis. And  
10 my understanding is that 16032 is no longer in that,  
11 so I wish to say now I'm in support of that bill.

12 CHAIRMAN BOHAC: Any questions for  
13 the witness? Cliff, if you --

14 CLIFF BOROFESKY: Yeah.

15 CHAIRMAN BOHAC: -- you come up and  
16 change your witness affirmation form that would be  
17 terrific and then just initial it. Thank you very  
18 much.

19 The Chair now calls Mary Finch (phonetic)  
20 with The League of Women Voters. She is for the  
21 bill, but she does not wish to testify.

22 The Chair now calls Don Alexander with the  
23 Texas Associations of Elections Administrators. He  
24 is against the bill.

25 DON ALEXANDER: Afternoon, Mr.



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1 Chairman. Don Alexander, Elections Administrator,  
2 Denton County and president of Texas Association of  
3 Election Administrators.

4 I was against the bill until I just  
5 learned that 16032 was removed from the bill. So I  
6 will now change my position and be in favor of the  
7 bill.

8 CHAIRMAN BOHAC: Certainly. If you  
9 would come up and change your information form.  
10 Just initial it. Thank you very much.

11 Members, any questions?

12 The Chair now calls George Hammerlein. I  
13 think he is with Paul Bettencourt's office, the  
14 Harris County Tax Office, and he is neutral on the  
15 bill. Could you introduce yourselves and tell --

16 GEORGE HAMMERLEIN: Hi. I'm George  
17 Hammerlein, Harris County Tax Office, Director of  
18 Voter Registration. And in light of the change --  
19 the substitute, we're now for the bill. Any  
20 questions?

21 CHAIRMAN BOHAC: George, would you  
22 mind coming up here and changing your witness  
23 affirmation form? See what a substitute can do?

24 UNIDENTIFIED REPRESENTATIVE: Did he  
25 testify? (Inaudible).



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40

1 CHAIRMAN BOHAC: The Chair will now  
2 call Suzy Woodford. I think she is not here. She's  
3 with Common Cause Texas. But she is for the bill.  
4 Oh, she is here.

5 SUZY WOODFORD: I just want to be  
6 shown in favor of the bill.

7 CHAIRMAN BOHAC: She is in favor of  
8 the bill, but does not wish to testify.

9 The Chair now calls Ken Bailey. He is  
10 with the Texas Democratic Party. He is for the  
11 bill. He does not wish to testify.

12 The Chair now calls Anne McAfee. She is  
13 retired. She wishes to represent herself and she is  
14 for the bill. And I would suspect she's not here.

15 And our last witness, Bruce Sherbet,  
16 representing himself. He is for the Committee  
17 Substitute.

18 BRUCE SHERBET: Thank you, Mr. Chair.  
19 Just real briefly I want to thank Dr. Jones for his  
20 immediate attention to this concern. And I remember  
21 that my wife told me to immediately clean my garage  
22 about four months ago, so I'm really happy that he  
23 put a time limit on that. Just don't tell my wife  
24 that, please.

25 CHAIRMAN BOHAC: Is there anyone



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41

1 wishing to testify on, for or against the bill? If  
2 not, we will recognize Representative Jones to close  
3 on House Bill -- let me see what this number is.  
4 1382.

5 REPRESENTATIVE JESSE JONES: I simply  
6 want to talk to Representative Hughes. I'm also  
7 from east Texas, so (inaudible) over this bill.

8 But it's a -- it's something that we have  
9 not taken notice of. Should go beyond 30 days and  
10 has overlapped the time that a person would normally  
11 vote or have an opportunity to correct it. Even be  
12 able to pick up one individual, one error, I think  
13 it's worth the change. Thank you.

14 CHAIRMAN BOHAC: Thank you,  
15 Representative Jones. Any other questions, Members?

16 REPRESENTATIVE JONES: Thank you.

17 CHAIRMAN BOHAC: Slight change of  
18 plans. We had a witness affirmation form that was  
19 handed a little bit late. We now -- the Chair would  
20 now like to re-layout House Bill 1382 and recognize  
21 Elizabeth Winn with the Secretary of State's office.  
22 She is listed as a resource witness. Any questions,  
23 Members?

24 If not, the Chair will close on House Bill  
25 1382 and leave it pending, which is customary for



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1 this Committee.

2 The Chair will now lay out House Bill 1269  
3 by Bohac and recognize Representative Bohac to lay  
4 out his bill, and I will do that.

5 I'll be quick. House Bill 1269 has to do  
6 with the manner in which a voter can update the  
7 voter registration information. Under current law  
8 registered voters have the option of correcting  
9 their registration information using a small space  
10 on the back of their voter registration certificate  
11 and returning it to the registrar. I'll show that  
12 to the Members.

13 Due to the limited space on the back of  
14 the certificate, it is often difficult for the Voter  
15 Registrar's office to read the corrected  
16 information, because, believe me, the lines are  
17 extremely tiny. And the certificate form itself has  
18 proven to be problematic -- a problematic form for  
19 making these important updates. House Bill 1269  
20 would require voters to submit a new voter  
21 registration application to correct their  
22 information making it easier for both the voter and  
23 the Voter Registrar and ensuring that the voter's  
24 records are accurately updated. Current law already  
25 requires that a voter registration application



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1 provide a space or box for indicating whether the  
2 applicant or voter is submitting a new registration  
3 information or a change in current registration  
4 information. House Bill 1269 would simply change  
5 the wording on the back of the certificate to  
6 instruct the voter to submit a new voter  
7 registration application with the correct  
8 information.

9 By law, the certificate is already  
10 required to provide the registrar's telephone  
11 number. If a vote -- if a voter needs to update  
12 their address or make any other change to their  
13 certificate all they have to do is make a phone call  
14 to the registrar and the -- a card will be mailed  
15 out postage paid. They can also call the Secretary  
16 of State's office whose name is also presented on  
17 the certificate.

18 Here's the main reason for the bill. I  
19 filed this bill to end the confusion by using the  
20 certificate as an updated form. When a Voter  
21 Registrar mails out a new voter registration  
22 certificate all the ones with bad addresses are then  
23 returned to the registrar by the Post Office. It is  
24 very difficult to tell what is a return due to a bad  
25 address for a voter -- or voter information



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1 correction when they come back to the county. If a  
2 mistake is made on the receiving end, a voter could  
3 accidentally end up on the suspense list with the  
4 rest of the return certificates instead of having  
5 their information updated.

6 This along with the lack of space and the  
7 fact that the voter's information is often  
8 illegible, because these two tiny lines are  
9 virtually impossible to get anything into less than  
10 your name, is why I believe we need to use the voter  
11 registration application form and keep the thing  
12 separate.

13 Any questions, Members?

14 The Chair now calls George Hammerlein with  
15 the Harris County Tax Office to testify for the  
16 bill.

17 GEORGE HAMMERLEIN: George  
18 Hammerlein, Harris County Tax Office. We favor the  
19 bill a lot -- I guess for the main reason as you've  
20 already laid out. When we do our voter registration  
21 card mail-out we get hundreds of thousands of them  
22 back anyway because they're undeliverable. And then  
23 when these people add the corrections in with the  
24 Chapter 9 money we get, you know, some of the people  
25 are temporary workers. They'll miss a small hand



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1 notation. People put corrections at various parts  
2 in the card. It's not always just even in those  
3 lines. They'll just circle one thing and put a line  
4 here, and you don't know if it's someone mailing it  
5 back because they don't live here anymore or, you  
6 know, they're re-spelling the middle name. It adds  
7 a lot of confusion. They're ineligible -- or  
8 unlegible actually to read. So we think trying to  
9 start over is a lot better than the system we have  
10 now, because we end up with big stacks of them that  
11 no one can decipher what the changes are, are there  
12 any changes.

13 CHAIRMAN BOHAC: Chair recognizes  
14 Representative Hughes.

15 REPRESENTATIVE HUGHES: And thanks  
16 for the insight into letting us know how this works.

17 I'm curious, what is the procedure when  
18 this happens? Do you try to contact them at the old  
19 address or what -- what do you -- what do we do?

20 GEORGE HAMMERLEIN: Well, on these  
21 we'll assume that the address is good and they're  
22 just trying to change something else. So it  
23 resulted in a letter being mailed to them saying,  
24 you know, we have received your attempt to modify  
25 your voter registration. Could you please tell us



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1 what you trying to do.

2 REPRESENTATIVE HUGHES: Okay.

3 GEORGE HAMMERLEIN: And we usually  
4 just mail them a new card inside an envelope and  
5 say, you know, please put this in here, what you  
6 were trying to do.

7 But the majority of them are -- you  
8 know, you can't read them, so -- and then I think a  
9 lot of times will be result of people inadvertently  
10 being put on the suspense list, because we think  
11 it's the temporary workers that are working --  
12 they're returned mail. Just assume it's a bad  
13 address with all the -- with all the other ones that  
14 go out, and they'll get in that stack. So I think  
15 it is a safety mechanism to keep people off the  
16 suspense list, to be put there inadvertently.

17 CHAIRMAN BOHAC: Any other questions  
18 for George? Thank you, Mr. Hammerlein.

19 .

20 CHAIRMAN BOHAC: The Chair now calls  
21 Suzy Woodford for Common Cause Texas here to testify  
22 against the bill.

23 SUZY WOODFORD: My name is Suzy  
24 Woodford. I'm the Executive Director of Common  
25 Cause. And after hearing the explanation of what



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1 you were trying to (inaudible) and the problem that  
2 you were trying to solve, we will now register for.

3 CHAIRMAN BOHAC: Okay. Thank you.  
4 Would you mind coming up here, Suzy and correcting  
5 your witness affirmation form? Thank you, Suzy.

6 The Chair now calls Cliff Borofsky  
7 representing Bexar County. He is here to testify  
8 for the bill.

9 UNIDENTIFIED REPRESENTATIVE: Mr.  
10 Chairman.

11 CLIFF BOROFSKY: Cliff Borofsky,  
12 Bexar County Elections Administrator. You know,  
13 sitting back there and we were discussing the rare  
14 pros and cons of this bill, and it's a good bill  
15 because it does clarify a lot of things. It does  
16 give you enough space. We have some of the same  
17 challenges albeit a bit less in volume than Harris  
18 County has.

19 The only concern I have, per se, that is  
20 if the voter sends us a new card and the letter of  
21 the information is not the same there's some small  
22 risk of creating a duplicate record. If they leave  
23 out a middle initial they use a different set of  
24 that. That -- there's a small risk. Otherwise, I  
25 think that this can be an either/or on this. It



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1 will create more cards, I think. So I'm -- I'm  
2 actually more neutral on this than for, but you can  
3 leave me as for. I just wanted to throw out that  
4 caution.

5 CHAIRMAN BOHAC: Okay. And are there  
6 any questions for Mr. Borofsky? Representative  
7 Hughes.

8 REPRESENTATIVE HUGHES: Thank you for  
9 pointing that out. Do you have any thoughts on what  
10 we might do to mitigate that problem? I mean, your  
11 concern that it's a new card and we end up with two  
12 records.

13 CLIFF BOROFSKY: I --

14 REPRESENTATIVE HUGHES: Don't let me  
15 stop you. It's what you do.

16 CLIFF BOROFSKY: No. Great question.  
17 Sure.

18 Since the print on the back of the card is  
19 already unreadable, make it smaller [sic] or  
20 increase the space.

21 REPRESENTATIVE HUGHES: Okay.

22 CLIFF BOROFSKY: We just increase the  
23 size of the space on the back of the card and cut  
24 some of the language.

25 REPRESENTATIVE HUGHES: That's not a



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1 bad idea.

2 CLIFF BOROFISKY: Practical.

3 REPRESENTATIVE HUGHES: Or maybe make  
4 the card larger. I don't know if that's --

5 CLIFF BOROFISKY: They have --

6 CHAIRMAN BOHAC: We practice  
7 legislation along with folks like yourself to try to  
8 make it very, very good.

9 I think there's a space on the voter  
10 registration card already that says this is a change  
11 of address. Is that right --

12 UNIDENTIFIED REPRESENTATIVE: (Inaudib  
13 le).

14 CHAIRMAN BOHAC: Yeah. So all they  
15 would really have to do is maybe make the box bigger  
16 to say what they're filling out is a change of  
17 address --

18 REPRESENTATIVE HUGHES: So they know  
19 it's not new registration when we get it.

20 CLIFF BOROFISKY: It's tiny. Have you  
21 seen it lately?

22 CHAIRMAN BOHAC: On, no, I know  
23 that's tiny. I'm saying on the voter registration  
24 card.

25 CLIFF BOROFISKY: Oh yeah, on the



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1 card, sure.

2 CHAIRMAN BOHAC: On the registration  
3 card.

4 CLIFF BOROFKY: (Inaudible) on the  
5 card or on the back.

6 CHAIRMAN BOHAC: Thank you. Any  
7 other questions Members? Thank you for your  
8 testimony.

9 CLIFF BOROFKY: Yes.

10 CHAIRMAN BOHAC: The Chair now called  
11 Ken Bailey with the Texas Democrat Texas parties.  
12 He is against the bill. Please introduce yourself,  
13 Ken, and tell us who you're with.

14 REPRESENTATIVE JONES: Thank you, Mr.  
15 Chairman. My name is Ken Bailey. I'm the political  
16 director of the Texas Democratic parties. And like  
17 the previous witness, I really don't have a problem  
18 if it's an/or. But if that's the only way you can  
19 do it is have to spill out a new card, what if it's  
20 just the zip code that's bad? You know, I should be  
21 able to strike out and recollect it. Or if you make  
22 it a little bigger where they can do it. That's our  
23 only problem with the bill.

24 CHAIRMAN BOHAC: Okay. Any other  
25 questions, Members? Thank you very much.



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51

1 The Chair now recognizes Anne McAfee. She  
2 is representing herself. She is against the bill,  
3 but she is not here to testify.

4 Chair now recognizes Bruce Sherbet  
5 representing himself. He is against the bill.

6 BRUCE SHERBET: Thank you,  
7 Mr. Chairman.

8 Bruce Sherbet, Dallas County. I'm  
9 concerned with this bill, because we get probably  
10 20,000 (inaudible) when we mail out new voter cards  
11 with addresses on them for correction. And these  
12 voters don't have to go find a voter application  
13 anywhere. It's right there in front of them. They  
14 fill them out. And I know that there -- there are  
15 some justified reasons for this, and I don't doubt  
16 that. And one of the ones not mentioned is  
17 sometimes we don't have the birthdate, we need to  
18 update our records or we don't have a driver's  
19 license, and we need to update that record, too.  
20 But for the voter's sake, it just seems to me that  
21 we're making them go find a voter application when  
22 they have a certificate, they can just put that  
23 information on it. And I think you'll see that  
24 there are some that we have to send notices to them,  
25 get corrections, some we can't determine what it is.



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1 By far, well over 90 percent of ours  
2 we're -- we're able to change their address and get  
3 it done with the voter not having to take one other  
4 step, but just putting their information on the back  
5 of that voter card and sending it in. We've been  
6 doing this for 25 years at least. I mean, I've been  
7 in elections for 25 years. So I just had some  
8 problems understanding.

9 I know that makes our job easier, but it's  
10 not making the voters' job easier if they have to go  
11 find a reporter application. So that's why I wanted  
12 to go on record today saying personally, as Dallas  
13 County Elections Administrator, I just think it has  
14 some problems. I don't see the benefits outweighing  
15 the problems for the voter trying to find a voter  
16 application. Well, we're trying to make this  
17 something easier over the last few years and not  
18 make it something more difficult.

19 CHAIRMAN BOHAC: Sure. Thank you.  
20 Members, do you have any questions for the witness?  
21 If not, thank you very much.

22 The Chair will now call Mr. Don Alexander  
23 with the Texas Association of Election  
24 Administrators. Actually, he does not wish to  
25 speak, but he wants to be on the record being for



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1 the bill.

2 Our final witness, as far as I know, is  
3 Elizabeth Winn for the Secretary of State's office.  
4 She is here as a resource witness, and of course she  
5 is neutral on the bill.

6 Members, any questions for Elizabeth?

7 I will now recognize myself to close on  
8 House Bill -- what is my number? House Bill 1269.  
9 And, Members, I would ask that you would report this  
10 bill favorably to the general calendar. And that  
11 will close on my bill.

12 And now the Chair will recognize Chair --  
13 oh, I'm sorry. Let me back up for a moment. We  
14 will leave the House Bill 1269 pending, as is  
15 customary.

16 And the Chair will now recognize  
17 Representative Denny, Chairwoman Denny, to explain  
18 House Bill -- let me see what that number is. House  
19 Bill 1706.

20 CHAIRWOMAN DENNY: Thank you, Mr.  
21 Chairman. It's great being here. You're doing a  
22 terrific job. Thank you all.

23 Mr. Chairman, Members, to vote a regular  
24 ballot, voters are only required to present their  
25 voter registration certificate to a poll worker.



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1 While this practice attempts to ensure that only  
2 registered voters receive a regular ballot on  
3 election day, it leaves a potential loophole for  
4 fraud individuals that are not required to show  
5 identification to register to vote.

6 Because of this, it is possible for an  
7 unscrupulous individual to submit several false  
8 filed voter registration applications and to receive  
9 the voter registration certificates for the fake  
10 individuals.

11 With the current process, no statutory  
12 standards exist to verify the identity of  
13 individuals at the polling place when they present a  
14 voter registration certificate.

15 House Bill 1706 amends the Election Code  
16 by providing that on offering to vote, a voter must  
17 present either one form of photo identification or  
18 two different forms of non-photo identification in  
19 addition to the voter's registration certificate.  
20 If the voter's identity can be verified from the  
21 proof presented and the voter complies with existing  
22 provisions relating to eligibility to vote, the bill  
23 requires that the voter be accepted for voting.

24 The bill provides a person who fails to  
25 show either a photo identification or two forms of



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1 non-photo identification is authorized to vote a  
2 provisional ballot only.

3 House Bill 1706 modifies the list of  
4 acceptable forms of identification for the purposes  
5 of voting. The bill provides that the following are  
6 acceptable forms of identification: A driver's  
7 license or personal identification card issued by  
8 the Department of Public Safety that is not expired  
9 or has expired within two years of the date of  
10 presentation; a U.S. military identification card  
11 containing the person's photo -- containing the  
12 person's photograph; a valid employee identification  
13 card containing the person's photograph; a U.S.  
14 citizenship certificate that contains the person's  
15 photograph; a U.S. passport issued to the person; a  
16 student identification card issued by a public or  
17 private institution of higher education located in  
18 Texas that contains the person's photograph, or a  
19 license to carry a concealed handgun issued by DPS.

20 The bill provides that the following are  
21 acceptable forms of non-photo identification: A  
22 copy of a current utility bill, a bank statement, a  
23 current check, paycheck or other government document  
24 that shows the name and address of the voter;  
25 official mail addressed to the person by name from a



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1 governmental entity; a certified copy of a birth  
2 certificate or other acceptable -- acceptable  
3 document confirming birth; U.S. citizenship papers;  
4 original or certified copy of a person's marriage  
5 license or divorce decree; court records of a  
6 person's adoption or name or sex change;  
7 identification card issued by a governmental entity  
8 for the purpose of obtaining public benefits  
9 included Veterans' benefits including Medicaid or  
10 Medicare; temporary driving permit issued to the  
11 person by DPS; a pilot's license benefit (inaudible)  
12 by an authorized federal agency; temporary library  
13 card containing the person's name issued by a public  
14 library located in this state or hunting or fishing  
15 license issued to the person by the Parks and  
16 Wildlife Department.

17 The bill removes driver's license or photo  
18 identification card issued by another state, any  
19 forms of identification containing a person's  
20 photograph that establishes the person's identity  
21 and any other forms of identification prescribed by  
22 the Secretary of State from the list of acceptable  
23 identification.

24 The bill prohibits DPS from collecting a  
25 fee for personal identification certificate if the



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1 person applying for the certificate executes an  
2 affidavit stating that the person is financially  
3 unable to pay the required fee.

4 The bill also requires the person to be a  
5 registered voter and present a valid registration  
6 certificate or be eligible for registration and  
7 submit a registration app -- application in order  
8 for the fee to be waived.

9 I might also make the Committee aware that  
10 in the U.S. Senate, as a follow-up to HAVA, a bill  
11 has been filed that will require this very thing.  
12 And along with it, will come the formal funding as  
13 it did with HAVA. So we can expect within, oh,  
14 however long it takes them to pass bills, to do it,  
15 within, I'd say, two to four years, this type of  
16 legislation being mandated to the states. But, of  
17 course, the funding comes with it. And I did put a  
18 rider in the appropriations bill, and you'll notice  
19 the fiscal notes you have. I was very pleased to  
20 see that that came in much, much lower than I had  
21 estimated. I put in a \$12 million fiscal note on  
22 the rider that I put into appropriations, and it  
23 came in at only 130,000 a year, which I was very,  
24 very pleased with, because that -- most people do  
25 have driver's licenses or state-issued I.D.s, and



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1 DPS did not anticipate that that was going to be a  
2 very expensive thing for them. So that was indeed  
3 good news.

4 While I am explaining this bill, I wanted  
5 to address just a couple of things that I think were  
6 brought up within Representative Kolkhors's bill  
7 that's very similar in nature to this was being  
8 discussed. And as I mentioned here, you know, we  
9 don't show I.D. when we register to vote now. It's  
10 very simple to register. You just fill out a card,  
11 and nothing prevents people from registering for  
12 family members and even friends. And you could even  
13 sign the signature for your family member, which is  
14 fine under current law, but it -- it certainly does  
15 make things difficult when you show up to vote.

16 We have had numerous examples, especially  
17 with early voting by mail when people show up on  
18 election day to vote and they've been notified --  
19 they are notified at that time that they've already  
20 voted. And they say, "No, I haven't." But someone  
21 did vote for them. And this is just a -- an attempt  
22 to make sure that you are who you say you are. And  
23 when you show up to vote, your vote and that  
24 precious right that you have is protected and that  
25 no one can take that away from you and that you are



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1 who you say you are. And as Representative  
2 Kolckhorst said, it is our precious right. We -- our  
3 forefathers have fought and died for us to have this  
4 right. And simply showing who you are is, I think,  
5 the least we can ask of -- of people.

6 And I'll be happy to entertain any  
7 questions that the Committee may have.

8 CHAIRMAN BOHAC: Yes. Representative  
9 Hughes.

10 REPRESENTATIVE HUGHES: Mr. Chair, I  
11 think I understand. So the fiscal note, then, that  
12 is the cost to DPS for issuing the state I.D.s for  
13 folks who state that they can't -- that they're  
14 unable to pay for it?

15 CHAIRWOMAN DENNY: That's correct.

16 REPRESENTATIVE HUGHES: That was the  
17 only expense, I guess. Is that right?

18 CHAIRWOMAN DENNY: Yes.

19 REPRESENTATIVE HUGHES: Thanks. I  
20 thought so.

21 CHAIRWOMAN DENNY: And when the  
22 federal law passes and is handed down, the -- then  
23 they will then pass to the states the money to pay  
24 for that. So this will not be an ongoing recurring  
25 expense.



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60

1 REPRESENTATIVE HUGHES: Yes, ma'am.

2 And so -- and DPS -- I guess this is obvious, but  
3 DPS is waiving the fees for those cards so this  
4 doesn't become a sort of back door poll tax. Right?

5 CHAIRWOMAN DENNY: No.

6 REPRESENTATIVE HUGHES: That's the  
7 point --

8 CHAIRWOMAN DENNY: That's the whole  
9 point of it.

10 REPRESENTATIVE HUGHES: Right. Okay.

11 CHAIRWOMAN DENNY: Okay.

12 REPRESENTATIVE HUGHES: Right.

13 CHAIRWOMAN DENNY: Because we don't  
14 want anyone who would not be able to afford these to  
15 have to pay. Actually, would (inaudible).

16 CHAIRMAN BOHAC: In the interest of  
17 time and witnesses, we've taken testimony on a  
18 similar bill already. So I know that Representative  
19 Anchia has a plane flight he has to catch by 5:00  
20 o'clock, so -- and I'm -- some of you all have time  
21 commitments, as well. So if you could please come  
22 up here, state your name and tell us, without being  
23 too redundant, why you are against this very similar  
24 bill, I would really appreciate, for, on or against  
25 this very similar bill.



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61

1 And the Chair would now like to call  
2 Skipper Wallace, representing the Texas Republican  
3 County Chairman Association Legislative Committee.  
4 He is for the bill.

5 SKIPPER WALLACE: Mr. Chairman, I  
6 appreciate the opportunity to come before you all  
7 today. I just want to say that the Texas County  
8 Chairmens Association is in support of this bill.  
9 We feel like it would be a good measure to help  
10 clean up some of the problems we've had in our  
11 election process. We know we've got some problems,  
12 and we're all trying to do the same thing of get  
13 everybody that is eligible to vote the ability to  
14 vote. Thank you.

15 CHAIRMAN BOHAC: Any -- any  
16 questions, Members? Thank you very much for coming.

17 The Chair now calls Bruce Sherbet. He is  
18 representing himself. He is neutral on the bill.  
19 Bruce, if you could introduce yourself.

20 BRUCE SHERBERT: Bruce Sherbet.  
21 Mr. Chair, I would be redundant to say anything  
22 else. We have rested on Kolkhorst bill about just  
23 making sure you don't have to show a certificate and  
24 an I.D. Correct?

25 CHAIRMAN BOHAC: So your concern is



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1 about showing a certificate and I.D.?

2 BRUCE SHERBERT: That was my biggest  
3 concern.

4 CHAIRMAN BOHAC: All right. Thank  
5 you.

6 REPRESENTATIVE ANCHIA: Mr. Chair, I  
7 have a question.

8 CHAIRMAN BOHAC: Chair recognizes  
9 Representative Anchia. Sorry about that.

10 REPRESENTATIVE ANCHIA: That's okay.

11 Mr. Sherbet, do you have the same concern  
12 that was articulated, I can't remember if it was by  
13 you or another witness, that in the explicit -- in  
14 the bill that people be able to vote a provisional  
15 ballot to the extent they do not have any I.D.?

16 BRUCE SHERBERT: Absolutely. And I  
17 know -- I mean, Ms. Ann McGeehan brought that up,  
18 and I totally agree with that. I missed that. So  
19 yes.

20 REPRESENTATIVE ANCHIA: Thank you.

21 CHAIRMAN BOHAC: Any other questions?  
22 Thank you.

23 The Chair now calls Suzy Woodford with  
24 Common Cause Texas. She is against the bill.

25 Suzy, if you would approach the podium and



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1 introduce yourself and tell us who you're with.

2 SUZY WOODFORD: My name is Suzy  
3 Woodford. I'm the Executive Director of Common  
4 Cause Texas.

5 I think it's premature. If, in fact, the  
6 federal government passes this law in another two  
7 years or four years, there will be other stations  
8 that we can come back and address this issue. And  
9 my question is this: Let's say -- because I have a  
10 voter's registration card with me and I keep it with  
11 me at all times. And every time I go to vote, I  
12 have my voter registration card.

13 So are you telling me that if I don't have  
14 my driver's license with me or I don't have any of  
15 the other things listed, even though I have a valid  
16 voter registration card I will be forced to vote  
17 provisional and then it may not be counted?

18 CHAIRMAN BOHAC: You would have to  
19 ask that to the author. She --

20 CHAIRWOMAN DENNY: Without photo I.D.  
21 to prove who you are.

22 SUZY WOODFORD: With a valid voter's  
23 registration card?

24 CHAIRWOMAN DENNY: Or forms of I.D.

25 SUZY WOODFORD: I have to tell you, I



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1 really am offended by this.

2 I've been voting for a lot a lot of years.  
3 And we encourage people to register to vote. It's  
4 with the understanding that you're registering to  
5 vote. You're swearing to all these things when you  
6 fill out your voter registration card. And all you  
7 have to do is take your voter registration card and  
8 go and vote.

9 And until we -- we have proof that this  
10 is -- this is being so abused, such widespread --  
11 such widespread abuse, that this -- these additional  
12 safeguards are necessary, I just think that it's not  
13 going to encourage people to really want to  
14 participate that much.

15 UNIDENTIFIED REPRESENTATIVE:

16 (Inaudible)

17 CHAIRMAN BOHAC: I think  
18 Representative Anchia has some questions or comments  
19 for you.

20 REPRESENTATIVE ANCHIA: I think  
21 that's a valid concern. And -- and we've received,  
22 I think, some disparate testimony on this, although  
23 I think it may be conclusive. And maybe if I could  
24 ask the author -- would it be appropriate,  
25 Mr. Chair, if I asked Chairwoman Denny the question?



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1 My understanding is that Section 4, Sub A,  
2 would cover your concern and your situation. If  
3 that's not the case, somebody please let me know.  
4 But it says that a voter who does not present a  
5 voter registration certificate when offering to  
6 vote --

7 CHAIRWOMAN DENNY: Right.

8 REPRESENTATIVE ANCHIA: -- but whose  
9 name is on the list of the precinct for the voter  
10 who's offering to vote in your case shall be  
11 accepted for voting if the voter executes an  
12 affidavit stating that you -- that the voter does  
13 not have the registration certificate, as in your  
14 case?

15 SUZY WOODFORD: No. I had my  
16 certificate. I have my voter registration card.

17 REPRESENTATIVE HUGHES: She wouldn't  
18 be covered by that. She has her card.

19 REPRESENTATIVE ANCHIA: She's got her  
20 card but not her photo --

21 CHAIRWOMAN DENNY: No.

22 SUZY WOODFORD: Not photo I.D. She  
23 would not be accepted. That would be --

24 CHAIRWOMAN DENNY: You have to prove  
25 you are on the list.



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66

1 SUSIE WOOLFORD: And I'm on the list.

2 REPRESENTATIVE ANCHIA: Yeah, that  
3 raises an issue.

4 CHAIRWOMAN DENNY: But you have to be  
5 able to prove that you're Suzy Woodford.

6 SUZY WOODFORD: An outrage.

7 REPRESENTATIVE ANCHIA: So --

8 CHAIRWOMAN DENNY: She could show up  
9 there with Mary Denny's --

10 SUZY WOODFORD: If you'll get -- if  
11 we have proof that this is just widespread voter  
12 fraud going on in the State, that would be one  
13 thing. But I don't think there's -- No. 1, I think  
14 the majority of people take pride in having a voter  
15 registration card and going and voting. And -- and  
16 everything that we do that calls into question your  
17 motivation or you have to prove you're who you say  
18 you are, I just think it has a real chilling effect.  
19 And I would just like to see this not be admitted  
20 right now.

21 CHAIRMAN BOHAC: Any questions,  
22 Members? Suzy, thank you for your testimony.

23 The Chair now calls George Hammerlein  
24 (phonetic). He is with Harris County Tax Assessor's  
25 Office. He is for the bill.



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67

1 George, if you can please introduce  
2 yourself and tell us who you're with.

3 GEORGE HAMMERLEIN: Good afternoon.  
4 I'm George Hammerlein, Harris County Tax Assessor  
5 Office in Voter's Registration Department.

6 We think it's good legislation, and we  
7 think the voters have a certain obligation as well  
8 as a right to vote. And with that -- with the right  
9 to vote come, you know, certainly the I.D. -- the  
10 I.D. situation. State law you're supposed to carry  
11 I.D. anyway. You have to show I.D. most times to  
12 buy a pack of cigarettes if you look like you're  
13 close to the age of 21.

14 I think it adds dis -- integrity to the  
15 voter rolls, gives people more confidence that  
16 people are who they say they are in the voting  
17 process. And I think every time you have just even  
18 one or two votes that are illegally cast it  
19 disenfranchises all the people that are eligible to  
20 vote and that do cast a vote. So, you know, to have  
21 your vote diluted by people that are casting illegal  
22 votes, you know, there -- there is a negative impact  
23 on everyone else, as well.

24 So I just think telling the voters that  
25 they have obligation to carry I.D. with them to --



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1 to the polls is not a -- a burden that they can't  
2 carry -- carry out.

3 Are there any questions?

4 CHAIRMAN BOHAC: Members, any  
5 questions? The Chair recognizes Representative --  
6 Representative Anchia.

7 REPRESENTATIVE ANCHIA: It was my  
8 desire to expedite things, but it seems like I've  
9 got all the questions. I apologize, Mr. Chair.

10 CHAIRMAN BOHAC: You know, this is a  
11 very important issue, so if we go over the time,  
12 it's perfectly okay. I was just --

13 REPRESENTATIVE ANCHIA: Yeah.

14 CHAIRMAN BOHAC: -- you know, we've  
15 already had testimony on similar bills. So take it.

16 REPRESENTATIVE ANCHIA: I'm kind of  
17 struggling with this issue. And I think -- I think  
18 it's not an easy one. You said that people are  
19 disenfranchised, that maybe there are some illegal  
20 votes that go on. But wouldn't you say it's also  
21 serious -- probably even more serious of a  
22 disenfranchisement problem of people who are  
23 eligible to exercise this fundamental right --

24 GEORGE HAMMERLEIN: Right.

25 REPRESENTATIVE ANCHIA: -- that



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1 they're given under our constitution --

2 GEORGE HAMMERLEIN: Right.

3 REPRESENTATIVE ANCHIA: -- are unable  
4 to exercise that franchise as a result of a -- a --  
5 a technicality, essentially in the law, having to  
6 show your -- your -- your license?

7 I mean, you were born with this right  
8 under the U.S. Constitution.

9 GEORGE HAMMERLEIN: Uh-huh.

10 REPRESENTATIVE ANCHIA: You should be  
11 able to exercise this right frequently. And then  
12 suddenly you're unable to vote, because you're  
13 unable -- because your ballot -- your voter  
14 registration certificate --

15 GEORGE HAMMERLINE: Uh-huh, right.

16 REPRESENTATIVE ANCHIA: -- to the  
17 poll location as has been your custom since time in  
18 memorium before you were born.

19 GEORGE HAMMERLEIN: Right.

20 REPRESENTATIVE ANCHIA: You come to  
21 the polling place. This has been your position.  
22 And suddenly you are not able to exercise your  
23 franchise, because you don't have another form of  
24 I.D.

25 GEORGE HAMMERLEIN: Well, we used to



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1 be able to travel on airlines without us showing  
2 I.D. and now we do. Times change. I think, you  
3 know, people have to adapt to the situation.

4 REPRESENTATIVE ANCHIA: But you would  
5 agree with me that traveling on an airline being  
6 kind of a luxury, being this fundamental right that  
7 we are -- we are born with -- a U.S. citizens under  
8 the U.S. Constitution, would you agree these are a  
9 little bit different situations, wouldn't you?

10 GEORGE HAMMERLEIN: I agree. I think  
11 freedom of movement and the right to freedom of  
12 travel is a right of a U.S. citizen. But that would  
13 be denied without proper identification. And --  
14 but, I mean, I guess in a philosophical realm voting  
15 is more sacred than travel. But our economy would  
16 be crippled if people didn't have I.D. and still  
17 showed up at the airport and said, "Well, I don't  
18 have I.D." You can't get on the plane without it.

19 I think people could adapt to this. I  
20 think it's more a sense of integrity in the rolls,  
21 because obviously a voter registration card doesn't  
22 have any photo I.D. Someone that gives out voter's  
23 registration cards, thousands sometimes a week,  
24 people come in person and say, "I'm Jim Jones at  
25 1515 Elm Street. Give me the card, and I'll go



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71

1 vote," and there's no guarantee that person is who  
2 they say they are.

3 REPRESENTATIVE ANCHIA: And I'm  
4 sympathetic. I mean, I -- I -- I'm really, really  
5 struggling with this, because I don't want -- I  
6 don't want --

7 GEORGE HAMMERLEIN: I don't need an  
8 I.D. to register to vote. That might alleviate it.  
9 But there is no -- you never have to prove who you  
10 are ever in the process right now.

11 REPRESENTATIVE ANCHIA: Yeah. Let  
12 me -- I'll repeat real quick and say that I'm  
13 struggling with this, too. And I find your  
14 testimony valuable.

15 But weighing -- weighing access to the  
16 exercise of your franchise --

17 GEORGE HAMMERLEIN: Uh-huh.

18 REPRESENTATIVE ANCHIA: -- versus  
19 sort of legislating against fraud and a fraud that  
20 we haven't been able to really quantify other than  
21 maybe some folks testifying, is it -- it being  
22 occasional or -- it -- it's a tough balance, you  
23 know. And I hope you appreciate that.

24 GEORGE HAMMERLINE: I mean, we have  
25 hundreds of -- you know, this last general election



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1 we had hundreds of provisional ballots where people  
2 put in names and we can't find anything associated  
3 with any of them, that they were ever registered to  
4 vote. You know, those names were never registered  
5 at the address they were put in. You know, if it  
6 wasn't for the provisional ballot program those  
7 votes would have gone in the hopper and been  
8 counted.

9 CHAIRMAN BOHAC: Any other questions?  
10 Thank you, Mr. Hammerlein.

11 The Chair now calls Margaret Spinks  
12 (phonetic) representing the Texas Department of  
13 Public Safety. She is neutral on the bill.

14 MARGARET SPINKS: Good afternoon.  
15 I'm Margaret Spinks with DPS. I'm here if anyone  
16 has any questions.

17 CHAIRMAN BOHAC: Members, do you have  
18 any questions for the witness? Representative  
19 Hughes.

20 REPRESENTATIVE HUGHES: Ms. Spinks,  
21 could you just help me out with the state of the law  
22 regarding these DPS-issued I.D. cards.

23 I'm an adult and I don't have a Texas  
24 driver's license. Does the law require me to have a  
25 DPS I.D. card?



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1 MARGARET SPINKS: No, it does not.

2 REPRESENTATIVE HUGHES: Okay. And if  
3 a police officer stops me on the street -- I guess I  
4 hope I'm not driving without a driver's license, so  
5 I'm not -- I just -- I don't have to show them any  
6 I.D.? I'm not required to have any?

7 MARGARET SPINKS: Right.

8 REPRESENTATIVE HUGHES: And I think  
9 that's a good thing, by the way. I don't think we  
10 should have to show our paper. I mean, this is  
11 America. I just want to make sure I was clear on  
12 what the law is.

13 MARGARET SPINKS: Okay. Correct.

14 REPRESENTATIVE HUGHES: Okay.  
15 Thanks.

16 MARGARET SPINKS: Okay.

17 CHAIRMAN BOHAC: Representative  
18 Hughes, could you repeat that question? I was -- I  
19 was preoccupied and it sounded very, very important  
20 and very critical to me.

21 REPRESENTATIVE HUGHES: Well, that's  
22 kind of you, Chair. Wow, nothing sinister about  
23 this.

24 Well, it had to do with, you know, most of  
25 us who drive always have a Texas driver's license.



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1 But there's this -- this DPS-issued state I.D. card  
2 for those who don't drive. And I was -- I was  
3 curious as to whether -- whether adults are required  
4 to carry one of those, and I understand that they  
5 are not.

6 MARGARET SPINKS: No, they're not.

7 REPRESENTATIVE HUGHES: Okay. And so  
8 then what -- can you give us an idea of how many of  
9 those are out there as opposed to -- I mean, just  
10 percentage-wise compared to driver's license, how  
11 common these are?

12 MARGARET SPINKS: Yes.

13 REPRESENTATIVE HUGHES: I don't want  
14 to put you on the spot, but I'm curious.

15 MARGARET SPINKS: Last year we issued  
16 approximately 607,000 I.D. cards.

17 REPRESENTATIVE HUGHES: Okay. And --

18 MARGARET SPINKS: And we have about  
19 3.5 million I.D. cards in our database.

20 REPRESENTATIVE HUGHES: Okay. And  
21 how many driver's licenses. Do you know?

22 MARGARET SPINKS: About 4.3 million  
23 last year.

24 REPRESENTATIVE HUGHES: Okay. And so  
25 someone who gets one of these cards is someone who



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75

1 doesn't drive but needs photo I.D. for writing  
2 checks, traveling. Is that the idea?

3 MARGARET SPINKS: Yes.

4 REPRESENTATIVE HUGHES: Not for  
5 driving cars, I hope, but --

6 MARGARET SPINKS: That's correct.

7 CHAIRMAN BOHAC: Representative  
8 Anchia has a question.

9 REPRESENTATIVE ANCHIA: Yeah. Thank  
10 you, Mr. Chair.

11 Your -- your testimony is that there are  
12 about 4-plus million driver's license.

13 MARGARET SPINKS: That were issued  
14 last year in fiscal year '04.

15 REPRESENTATIVE ANCHIA: What is the  
16 total amount? What is the total penetration of  
17 driver's license --

18 MARGARET SPINKS: Total amount.

19 REPRESENTATIVE ANCHIA: -- as a  
20 percentage of total population of the State?

21 MARGARET SPINKS: Total licensed  
22 drivers in the file is 15 million.

23 REPRESENTATIVE ANCHIA: 15 million.  
24 Okay. And -- and then another 3 million of --

25 MARGARET SPINKS: That's correct.



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1 3.5 million I.D. cards.

2 REPRESENTATIVE ANCHIA: So 18 --  
3 18 million. And there are how many people in Texas,  
4 just out of curiosity, 22?

5 MARGARET SPINKS: Approximately  
6 2 million.

7 REPRESENTATIVE ANCHIA: Okay. Okay.  
8 I'm just trying to get a feel for what the  
9 penetration rate is of these vote -- these I.D.  
10 cards and driver's licenses to determine what kind  
11 of burden we would be placing on prospective voters.

12 MARGARET SPINKS: Okay.

13 REPRESENTATIVE ANCHIA: That's fair.

14 MARGARET SPINKS: (Inaudible).

15 REPRESENTATIVE ANCHIA: That's fair.  
16 That's fair.

17 CHAIRMAN BOHAC: All right. If  
18 there's no other questions, thank you for your  
19 testimony. It was quite interesting.

20 MARGARET SPINKS: All right.

21 CHAIRMAN BOHAC: The Chair now calls  
22 Frank Reilly. He is with Republican Party of Texas.  
23 He is here to testify for the bill.

24 Will you please introduce yourselves and  
25 tell us who you're with.



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1 FRANK REILLY: Thank you,  
2 Mr. Chairman.

3 Frank Reilly on behalf of Republican Party  
4 of Texas and for House Bill 1706. I've given some  
5 written testimony, so I won't read it.

6 I did want to say that (inaudible) the  
7 legislation will set a new standard to increase  
8 public confidence and that people who show up in the  
9 polls are duly registered voters. We want to be  
10 sure that the legislation also ensures that no  
11 qualified registered voters will be denied the right  
12 to vote on election day.

13 I wanted to point out briefly there's been  
14 some concern about people showing up at the last  
15 minute on the polls. And you all have all heard the  
16 testimony already that there's been a -- a continual  
17 increase over the years of people who come in and  
18 early vote. So people who come in and early vote  
19 are a lot less likely to be having these problems  
20 that they might have showing up at 6:55 p.m. on  
21 election day without a photo I.D. In other words,  
22 they will have an opportunity to cure themselves in  
23 those particular times.

24 The bill's particular fundamental right to  
25 have each person's vote count, and they do so



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1 virtually with no burden on these additional voters.  
2 I really don't believe that requiring someone to  
3 come to the polls with an I.D. or I.D.s other two  
4 alternative forms of I.D.s is a very onerous burden  
5 for folks. It should really be pretty simple for  
6 people to -- to get there.

7 I want to know the public support for this  
8 type of litigation across all spectrums. Rasmussen  
9 research Poll Taken in 1994 shows that 82 percent of  
10 Americans support laws that require people to carry  
11 I.D.s to the polls. And of those, 89 percent of the  
12 Bush supporters and 75 percent of the Kerry  
13 supporters supported this.

14 The legislation is -- is good. It doesn't  
15 conflict with HAVA. In fact, it very well dovetails  
16 with it on all the requirements that might allow on  
17 a dual track. And we support this legislation.

18 Be happy to answer any questions.  
19 Apologize for my voice. I'm recovering from the flu  
20 today, but I'm cured so no one's going to get  
21 infected, I hope.

22 CHAIRMAN BOHAC: Any -- any questions  
23 for the witness?

24 REPRESENTATIVE HUGHES: I've got one  
25 question and we could probably ask the Secretary of



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1 State and Chair already talked about HAVA and how we  
2 know --

3 Do you know what other states do? Do you  
4 have any knowledge about this or is it -- is it a  
5 trend? If you don't know, that's okay.

6 FRANK REILLY: I don't know for  
7 certain. I do know it's a trend. I know there are  
8 other states requiring I.D.s. I know Georgia's  
9 currently debating the legislation and -- but there  
10 are quite a few other states that require either  
11 photo identification or in this case, like  
12 Representative Denny and -- and Representative  
13 Kolkhorst are trying to do, having the alternative  
14 to provide two other alternative forms of  
15 identification.

16 REPRESENTATIVE HUGHES: Thanks.

17 FRANK REILLY: Sure.

18 REPRESENTATIVE HUGHES: Thank you,  
19 sir.

20 CHAIRMAN BOHAC: Thank you very much.  
21 The Chair now calls Germaine Martinez. He is with  
22 the Texas Department -- she; sorry about that.

23 UNIDENTIFIED REPRESENTATIVE:  
24 (Inaudible).

25 CHAIRMAN BOHAC: She is a Texas --



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80

1 with the Texas Department of Public Safety. She is  
2 neutral. She is here as a resource witness. If  
3 there are no questions, she will not testify.

4 Do you have any questions for her? Thank  
5 you very much. Any questions? Thank you very much.  
6 Don Alexander. He is with the Texas Association of  
7 Election Administrators. He is against the bill.  
8 Tell us who you're with.

9 DON ALEXANDER: I'm with the Texas  
10 Association of Election Administrators. And I've  
11 expressed this to Representative Denny in her  
12 office. And my concern for the organization is that  
13 there's confusion in the way that the bill is  
14 written as to whether or not a provisional ballot  
15 would be required to be executed, and it needs to be  
16 clarified. And I understand this may be going back  
17 for modification to the current law. Because if you  
18 go and you look in the back of the provisional  
19 ballot there's an Item 5, which voter is on the list  
20 of registered voters but didn't provide the  
21 certificate of voter or I.D. If the judge checks  
22 that and you go to the bottom where the ballot  
23 looks -- and it says that bottom five is checked but  
24 the ballot is not counted.

25 So my concern is we're going to go out and



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81

1 generate a lot of different provisional ballots for  
2 people that are really eligible to vote. Then when  
3 it goes into the ballot board, because that block's,  
4 checked, then the ballot is not going to get  
5 counted.

6 CHAIRMAN BOHAC: Members, do you have  
7 any questions for the witness? Representative  
8 Hughes.

9 REPRESENTATIVE HUGHES: To -- to  
10 follow up on that, to make sure I understand current  
11 law, if I go to the polling place and I don't have  
12 my card but I'm on the list and they can verify, I  
13 can sign an affidavit and I can vote, is that a  
14 provisional ballot or is it a regular --

15 DON ALEXANDER: It's a provisional  
16 ballot if you don't have your certificate or if you  
17 don't have I.D.

18 REPRESENTATIVE HUGHES: Even if I'm  
19 on the list and I sign the affidavit, it's still a  
20 provisional ballot?

21 DON ALEXANDER: Right.

22 REPRESENTATIVE HUGHES: Okay. Thank  
23 you. I wasn't clear on that, I guess.

24 CHAIRMAN BOHAC: If there's no other  
25 questions, thank you very much.



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1 The Chair will now call Cliff Borofsky.  
2 He is with Bexar County. He is against the bill.  
3 And, Cliff, if you could introduce yourself --

4 CLIFF BOROFSKY: Yes --

5 CHAIRMAN BOHAC: -- tell us who  
6 you're with.

7 CLIFF BOROFSKY: -- Cliff Borofsky,  
8 Bexar County Administrator. And I am against the  
9 bill.

10 There are several issues, some of which  
11 I've already expressed. And, Representative Anchia,  
12 I did want to change what I think, because I think I  
13 misunderstood your question, because yes, this does  
14 change the fact that a person could vote. If they  
15 didn't have it or more -- I mean, they could sign  
16 and (inaudible) vote. But under this bill, as I  
17 understand it, you either have to have a photo I.D.  
18 or two others. I think that's a demanding  
19 requirement.

20 What I might suggest before I forget is we  
21 might consider a grace period. In other words, for  
22 a period of time to be determined for everybody who  
23 came to vote we would hand them a notice so that  
24 they would, say, okay, the next time or starting in  
25 November you are going to have this requirement.



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1 Because not enough people read newspapers, not  
2 enough people are going to watch T.V. You know,  
3 short of mailing a notice to every single registered  
4 voter, which I suppose is a possibility, it would  
5 cost some money. But if I handed that out to each  
6 voter for a period of time to be determined and then  
7 implemented it, it might take a little bit better  
8 notwithstanding any other arguments against it.

9 There were some comments that you have to  
10 show an I.D. in H.E.B., you have to show an I.D. at  
11 the airline. You do, but you don't have to show  
12 two; you only have to show one. And it is a photo  
13 I.D., but it's not two.

14 So, again, there's going to be an  
15 immediate perception to this that they're infringing  
16 on that.

17 And I think this has been stated before,  
18 which is a very good idea. The key point is not  
19 having voter registration without some I.D.  
20 Currently, if you register by mail under HAVA, you  
21 send it in. You have to send in some forms of I.D.  
22 with it. If not, which you haven't, you have to  
23 show that I.D. even if you have a card, because you  
24 didn't show it when you registered. But if you have  
25 a deputy volunteer registrar sign you up, you don't



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1 have to show, or if I walk into my office, like I  
2 was saying, fill out the card currently, get the  
3 card, go over and get a driver's license. So the  
4 I.D. point, the critical I.D. point is at the point  
5 of registration, at least in my mind.

6 A couple other points that I just wanted  
7 to bring up is I -- I do not recommend that they use  
8 the license to carry a concealed handgun issued to a  
9 person as an I.D. even if it does have a photo. I  
10 just think it would create kind of like, well, does  
11 he have one or doesn't he? If I give him the wrong  
12 ballot is he going to shoot me, you know. It may be  
13 a little much. I just think you're creating a stir  
14 in the place. There are thoughts or I.D.s you could  
15 use. You do use a Sam's card to have a photo. So  
16 if you've got a Sam's card or a concealed handgun, I  
17 would really rather they use the Sam's card. That  
18 was one.

19 And then I -- then I had a question,  
20 because I wasn't sure of the answer. And that was  
21 at -- on Nos. 10 and 11, a library card with a  
22 person's name. I think people under the age of 18  
23 can get a library card although they can't get a  
24 voter registration card. And similarly I'm not sure  
25 if people under 18 like junior hunting and fishing



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1 licenses, as well. Other than that...

2 CHAIRMAN BOHAC: I actually have a  
3 question for you.

4 CLIFF BOROFSKY: Yes, sir.

5 CHAIRMAN BOHAC: Going back in my  
6 history file, I remember in Harris County when we  
7 moved to electronic voting machines, there were news  
8 reports that the sky was going to fall because we  
9 went to electronic voting, because of over 65 folks,  
10 people that were too young, too old, too rich, too  
11 poor, too this, too that. But what we set out to  
12 do, and we did quite successfully, was a major  
13 education campaign. So all the radio stations were  
14 involved, all the print media was involved, all the  
15 television media was involved.

16 And I guess my question for you is do you  
17 think -- in lieu of a grace period, don't you think  
18 kind of the natural market voices of the way  
19 information is dispensed that this will be  
20 effectively communicated to the voting populace?  
21 After all, they are paying attention to who's voting  
22 and who's not. They're getting mail pieces in the  
23 mail, they're seeing people advertised on T.V.

24 I'm just wondering do you think in lieu of  
25 a grace period that the natural grace period would



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1 work?

2 CLIFF BOROFKY: No. I think you  
3 over-estimate the power of the press in this regard.  
4 Well, I think you over-estimate the number of people  
5 who can afford to send enough pieces of paper to  
6 some people.

7 There are -- there are -- you know, one of  
8 the things we talked about are people who are  
9 disenfranchised. I think there's still a  
10 significant population out there who's never been  
11 enfranchised in the first place.

12 If you're not a regular voter -- and I  
13 kind of got a whiff of this yesterday. If you're  
14 not a regular voter, you're not going to get a mail  
15 piece, because nobody thinks you're going to vote  
16 anyhow. So if you're not going to get a mail piece  
17 in this election and nobody's going to come knock on  
18 your door because you're not a voter, then you're  
19 not going to get the information any other way  
20 except maybe by word of mouth in some areas.

21 I -- I would like to suggest that you  
22 might talk to some of the folks like in Hidalgo  
23 County, Cameron County and some of those areas where  
24 it may be tougher to get some of that kind of work  
25 out to the -- to the people. And I don't know if a



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1 grace period is -- is required. I -- it's just an  
2 I.D. that -- that actually might work if people see  
3 it in writing when they go to vote and they take it  
4 home. But there are a significant number of people,  
5 I think, still who may not have - I think this was  
6 brought up; Ms. Little, maybe it was she who brought  
7 it up, maybe not - have two pieces of I.D. They  
8 might have a personal I.D., but they might not be  
9 the homeowner in which they're living, so the  
10 utility bill won't be in their name. They may not  
11 have a checking account, so they won't have that in  
12 their name. They may not be a pilot, so they won't  
13 have a pilot's license. I just think we need to  
14 address some of this a little more specifically.

15 But, again, we have some pretty good rules  
16 now, and I think the crux of the I.D. point is at  
17 the point of registration, beyond which a lot of  
18 that has been covered already especially with  
19 provisional voting at the polls.

20 CHAIRMAN BOHAC: All right. Thank  
21 you for your responses.

22 REPRESENTATIVE HUGHES: Mr. Borofsky,  
23 I don't -- I am curious about this, and if you don't  
24 know, DPS might. Is a polling place one of those  
25 places where a concealed handgun licensee can or



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88

1 can't carry --

2 CLIFF BOROFISKY: You cannot.

3 REPRESENTATIVE HUGHES: You can't.

4 CLIFF BOROFISKY: You cannot.

5 REPRESENTATIVE HUGHES: Okay. Again,  
6 I appreciate it.

7 CLIFF BOROFISKY: But you can take the  
8 card.

9 REPRESENTATIVE HUGHES: Okay.

10 CLIFF BOROFISKY: But you're not  
11 supposed to show it.

12 REPRESENTATIVE HUGHES: I'll remember  
13 to not do that. Thank you.

14 CHAIRMAN BOHAC: All right. Thank  
15 you very much.

16 CLIFF BOROFISKY: Thank you.

17 CHAIRMAN BOHAC: The Chair recognizes  
18 Paula Littles. She is here representing Texas  
19 AFLCIO.

20 PAULA LITTLES: I testified on the  
21 first one.

22 CHAIRMAN BOHAC: Okay. She does not  
23 wish to testify, but we will make her views known in  
24 the records.

25 The Chair now calls Alison Brock. She is



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1 with Unlocking Your Vote campaign. She is here to  
2 testify against the bill.

3 ALISON BROCK: (Inaudible).

4 CHAIRMAN BOHAC: She does not wish to  
5 testify, but we will place her views in the record  
6 as being against the bill.

7 We -- the Chair now calls Ken Bailey with  
8 the Texas Democratic parties. He is against the  
9 bill.

10 Ken, if you could introduce yourself and  
11 tell us who you're with.

12 KEN BAILEY: Yeah. Thank you, Mr.  
13 Chairman. My name is Ken Bailey, and I represent  
14 Texas Democratic Party. We're opposed to this bill.  
15 If it was either the voter registration or voter  
16 I.D. or two others we could -- we could live with  
17 that. But I've been voting since 1969, and I have  
18 my voter registration card every time. And that's  
19 what I expect when I go vote. The people in nursing  
20 homes, you know, that's what they expect. If you  
21 get a ride to the polls, the person in the nursing  
22 home may not have the I.D. They may not have  
23 anything about their voter registration.

24 Where we feel the real problems that we  
25 have seen in the elections is mail ballots. We're



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1 just talking about when you show up, show your I.D.  
2 Well, so we just think this is a bad deal to add one  
3 more thing.

4 You want me to vote, but you want to make  
5 me bring one more thing to the polls to vote, and we  
6 just think that's wrong.

7 CHAIRMAN BOHAC: But you're aware  
8 when we vote by mail, the very first time a person  
9 sends an application to vote by mail they are  
10 required to send a valid form of identification?

11 KEN BAILEY: No, sir, because I  
12 didn't do that last time I voted by mail.

13 CHAIRMAN BOHAC: That was --

14 KEN BAILEY: Voter registration, you  
15 have to have I.D., if it's the first time you have  
16 voter registration, because I'm a deputy registrar.  
17 I have to see your I.D. So when you register,  
18 that's when the I.D. is being sought right then. If  
19 I show you my voter registration, somebody's already  
20 seen my I.D.

21 Now, under the new HAVA stuff, you know, I  
22 just fill out a form and say I'm going to be out of  
23 town; send me a mail ballot.

24 CHAIRMAN BOHAC: That was a new rule  
25 that we adopted under the last session under the



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91

1 HAVA -- HAVA recommendations. So thank you very  
2 much. Members, any questions for Mr. Bailey?

3 KEN BAILEY: Thank you.

4 CHAIRMAN BOHAC: Thank you, Ken.

5 The Chair now calls Lori Vanhooose. She is  
6 with Advocacy, Inc. She is here to testify against  
7 the bill. Lori, if you can introduce yourself and  
8 tell us who you're with.

9 LORI VANHOOSE: I'm Lori Vanhooose for  
10 Advocacy, Incorporated, a formally mandated  
11 (inaudible) agency for individuals with  
12 disabilities. And I'm just going to be really  
13 quick.

14 I just want to let you know I'm here  
15 representing probably the largest population that  
16 does not have photo identifications. And we do a  
17 lot of the outreach in the community to try to let  
18 individuals know that they can take a government  
19 check or trying to find out what kind of  
20 identification they have that they can take to vote.  
21 And I'm just concerned, as is everyone else, that  
22 these individuals are not going to know about this  
23 change.

24 We finally have individuals with  
25 disabilities out voting. You told me I could take



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1 my utility bill or you told me I could take this,  
2 and I'm going to go vote. And they're going to get  
3 out there and they're not going to receive -- it's  
4 going to be very hard to outreach to them to  
5 allow -- to let them know as with other voters that  
6 there are more requirements put on them.

7 Also, I will reiterate what I had stated a  
8 couple weeks ago. The No. 1 -- the most  
9 controversial provision of HAVA was the  
10 identification requirements. And you can look at  
11 the HAVA transcripts and see that Congress realized  
12 that identification -- the burden of identification  
13 is method of disenfranchisement.

14 Also, I appreciate the fact that an  
15 individual could receive a (inaudible) or personal  
16 identification certificate. But my question is I  
17 wonder what type of I.D. a person has to have to  
18 obtain an individual I.D. certificate.

19 It seems almost circular. They're going  
20 to have to go purchase a birth certificate or some  
21 other form of certificate in order to get the free  
22 identification certificate. I don't know. I would  
23 imagine in order to obtain a personal identification  
24 certificate you have to show some form -- I don't  
25 know exactly what it is, but that's a question I



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1 have.

2 Also, I'll send to you tomorrow -- I've  
3 been working on a list that outlines what every  
4 single state requires for identification to register  
5 and to vote at the polls. That should be finished  
6 tomorrow, and I will send that to you. So far it  
7 looks like if this were to pass, Texas and Arizona  
8 would be by far the strict -- the most strict  
9 requirements for individuals to go vote. So I'll  
10 send that to you.

11 And thank you for the opportunity. Anyone  
12 have any questions?

13 CHAIRMAN BOHAC: Members? Thank you  
14 very much. Great testimony.

15 (Inaudible). Okay. The Chair now calls  
16 Anne McAfee. She's representing herself. I do not  
17 believe Ann is here, based on history. And she is  
18 against the bill. We will so note that.

19 The Chair now calls Nina Perales. She is  
20 with the Mexican American Legal Defense and  
21 Educational Fund. She is here to testify against  
22 the bill.

23 Ms. Perales, if you could identify  
24 yourself and tell us who you're with, that would be  
25 terrific.



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1 MS. PERALES: Thank you, Chairman  
2 Bohac and Members of the House Election Subcommittee  
3 on Voter Verification. I'm Nina Perales, Regional  
4 Counsel for the Mexican American Legal and  
5 Educational Fund, MALDEF, nonpartisan organization  
6 that protects and defends legal rights and voting  
7 rights.

8 I'm here today to advise you of MALDEF's  
9 opposition to HB-1706. And my comments are equally  
10 applicable to HB-1293 and 1402.

11 We oppose the bill because they remove the  
12 ability of the voters to present a voter  
13 registration certificate at the polls to be accepted  
14 for voting. The bills are not based on any  
15 substantial evidence of voter fraud by persons who  
16 appear to vote in person with a voter registration  
17 certificate.

18 The current law is an either/or option.  
19 Come with your voter registration or, if you don't  
20 have it, you'll have to produce some forms of  
21 identification. This -- all three bills and HP-1706  
22 eliminates the ability to be accepted by voting by  
23 using the voter registration certificate.

24 The bills are unnecessary. We have heard  
25 of no report of anybody attempting to vote by using



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1 the voter registration certificate in person who was  
2 not who they said they were. And maybe others can  
3 come with the -- with some kind of evidence that  
4 this has occurred, but like others, we've heard of  
5 voter fraud in other settings in people who vote not  
6 in person, but never somebody who comes to vote in  
7 person fraudulently, holding a voter registration  
8 certificate that is not their own.

9 What these three bills will do inevitably  
10 is prevent some voter from casting a ballot on  
11 election day, because they remove a way for you to  
12 be accepted as a voter.

13 Some voters only have their registration  
14 certificate when they go to vote. Someone has  
15 already mentioned the example of elderly voters who  
16 do not drive. Elderly voters who do not drive  
17 aren't going to be able to meet the I.D.  
18 requirements under these bills.

19 Similarly, remember non-drivers whose mail  
20 is addressed to a Post Office box are not going to  
21 be able to meet the requirements. And, finally,  
22 rural and urban (inaudible) members who live in  
23 households where somebody else pays the bill. If  
24 you are in -- if you're in -- imagine a 20-year-old  
25 unmarried person living in Houston, takes public



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1 transportation, didn't have a driver's license but  
2 who's living at home and whose utility bills and  
3 other kind of correspondence are going to be  
4 addressed to his parent and not to him. These bills  
5 will force the voters that I just mentioned to take  
6 additional steps to acquire additional forms of  
7 identification or exclude these voters from voting  
8 altogether.

9 It will also discourage voters by creating  
10 longer lines at the polls and forcing some voters to  
11 return home to find additional material and then  
12 come back a second time to be accepted for voting.

13 All three bills violate the Help America  
14 Vote Act. I know that you heard somebody else get  
15 up and tell you that they don't, but they all three  
16 do.

17 The reason there is litigation pending in  
18 the Senate right now in the U.S. Congress is because  
19 HAVA does not say what these three bills say. And  
20 Texas can't get out in front of federal regulation,  
21 because of preemption issues. Right now under HAVA  
22 the only people who -- right now under HAVA when you  
23 are a first-time registrant in the county and you go  
24 and registered by mail and you go to the polls, you  
25 are only required to produce one of the utility bill



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1 or a bank statement.

2 What these bills do, all three of them, is  
3 require you to produce two. If Texas requires a  
4 voter, first-time registrant in the county who voted  
5 by mail, to produce two of something that the  
6 federal law only requires them to produce one of,  
7 you're going to have a HAVA violation.

8 When Texas accepted the HAVA funds, Texas  
9 agreed to run it a certain way. You'll either have  
10 to give back the money, which I'm not sure is really  
11 a possibility given the enormous amount of money  
12 that Texas has received, or you'll have to create  
13 two different systems for accepting voters, one  
14 system for accepting voters who are first-time  
15 registrants in the county who voted by mail and will  
16 only have to produce one of a certain kind of  
17 document, and another system for accepting all other  
18 voters who will then, if they don't have their  
19 driver's license, have to produce two of this list  
20 of documents.

21 It also introduces a likelihood that  
22 election officials will begin to refuse voters whose  
23 address on their driver's license doesn't match the  
24 address on the poll. And this is when -- when you  
25 heighten the importance of the photo I.D., and



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1 particularly the driver's license, you are going to  
2 have poll workers who are going to reject voters  
3 because the addresses don't match. And in order to  
4 get the address on your driver's license to match  
5 your voter rolls if you've moved, you're going to  
6 have to go get a new driver's license, because  
7 normally you are not issued a new driver's license  
8 when you change your address. You get a certificate  
9 for dollars. So if you want these documents, you  
10 know, to match when you go to the polls you're going  
11 to have to pay 24 dollars and go on down and get a  
12 new driver's license if you've moved. None of those  
13 fees are taken care of, by the way, in 1706.

14 Finally, the bills give poll workers, many  
15 of whom are volunteers and not experts in proof of  
16 identification, a greater and unwieldy  
17 administrative task. Workers at the polls will have  
18 to make hundreds of judgment calls a day as to  
19 whether a particular form of I.D. is acceptable.

20 MALDEF urges the subcommittee to rely on  
21 the voter registration card as sufficient  
22 documentation to accept the voter. It is a lot  
23 easier to accept a voter registration certificate  
24 than it is to -- again to juggle whether or not a  
25 piece of correspondence is from a government agency,



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1 whether it's official or unofficial, and the various  
2 other things that are created when you add all these  
3 documents onto the list.

4 These bills do not prevent people from  
5 assuming your identity and voting on your behalf in  
6 early voting. Other bills may be able to deal with  
7 that, but these bills do not prevent somebody from  
8 early voting for you. And because HAVA requires  
9 registrants to prove their I.D. at the time of  
10 registration, today somebody cannot go out and  
11 register three different times as three different  
12 people -- as three different people as was mentioned  
13 earlier.

14 In conclusion, good government does not  
15 require more bureaucracy than it needs to carry out  
16 its functions. The bills before the Committee place  
17 more requirements on voters and more requirements on  
18 poll workers, and they lack justification and any  
19 evidence of fraud by voters who rely on the  
20 certificate when they present themselves at the  
21 polls. Thank you.

22 CHAIRMAN BOHAC: I have a comment for  
23 you -- or it really is a question. I was just kind  
24 of thinking outside the box for a moment. Really,  
25 this could almost be paradoxical. I remember both



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1 my parents who are both over 65 -- in fact, my  
2 mother is 70 and my father is 71. And of course I  
3 say on election day in my district, "Mom and dad,  
4 please go vote." And they will say quite frequently,  
5 "I don't know where my card is." And I will have to  
6 say, "You know what, you don't need your card. Just  
7 go down there, show them your driver's license."

8 So I'm just wondering if we really broaden  
9 our thinking about this, once people were educated  
10 that all you needed was actually a government-issued  
11 form of identification, it actually may incur more  
12 participation in the process rather than less  
13 participation once we started educating people like  
14 my parents and like people of their generation that  
15 you actually don't even need the -- the voter  
16 registration card anymore.

17 So I was just throwing that out there.  
18 Chew on that a little bit.

19 MS. PERALEZ: I respectfully  
20 disagree, Chairman Bohac. Right now you have the  
21 option of either. And the more public education,  
22 the better. MALDEF supports public education. Let  
23 people know they can go with these other documents,  
24 but please don't shut down the ability to bring your  
25 certificate, because your parents are -- are, thank



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101

1 goodness, able to produce a driver's license.

2 My grandmother is 96. She does not have a  
3 driver's license, and she does not pay the bills,  
4 because she lives with my father. She would not be  
5 able to vote under these bills.

6 So we urge greater access and greater  
7 public education, but not to foreclose the avenue  
8 that many people have to go and vote.

9 CHAIRMAN BOHAC: Do you think that  
10 there are any voters out there who assume wrongfully  
11 that they have to have their voter registration  
12 cards in order to vote, that they have to have that  
13 document and, therefore, they don't go to the polls  
14 simply because they know that they can't -- I  
15 couldn't even tell you where my voter registration  
16 card is --

17 MS. PERALES: Uh-huh.

18 CHAIRMAN BOHAC: -- frankly speaking.  
19 But do you think that actually inhibits some people  
20 from going to polls because they cannot find that  
21 voter registration card, because they mistakenly  
22 believe they have to have that card?

23 MS. PERALES: I'm not aware of any.  
24 If there are, we -- we would certainly urge public  
25 education to let them know that they can bring that



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1 piece of documentation.

2 I'm more familiar with people who -- who  
3 go around with their certificate in their wallet as  
4 I do, just in case you find out there's a special  
5 election or an election. You just can walk right  
6 over to the County Courthouse in Bexar County and  
7 cast my vote with my certificate that is always in  
8 my wallet. I think if you shut down that mechanism  
9 you're going to exclude more people, and you're not  
10 necessarily going to include more people who are  
11 unaware now that you can use a driver's license.

12 CHAIRMAN BOHAC: That election that  
13 pops up would certainly only be a bond election.

14 REPRESENTATIVE HUGHES: (Inaudible).

15 CHAIRMAN BOHAC: Are there any other  
16 questions, Members? If not, I will recognize that  
17 is our last -- no, I'm sorry.

18 MS. PERALES: Thank you.

19 CHAIRMAN BOHAC: We have Ann  
20 McGeehan. She is with the Secretary of State's  
21 office, and she will probably have some very  
22 enlightening testimony for us. She is neutral on  
23 the bill.

24 ANN MCGEEHAN: Ann McGeehan, Election  
25 Division, Texas Secretary of State's office.



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103

1 Well, I did want to mention what the --  
2 the requirement for identification today is a person  
3 who registers to vote by mail for the first time is  
4 required to present proof of identification. They  
5 have a choice. They can enclose a copy of that  
6 identification when they submit their voter  
7 registration application, or they can bring that  
8 identifying with them when they come to the poll.

9 The -- and that's a HAVA federal  
10 requirement that was incorporated into state law  
11 last --

12 CHAIRMAN BOHAC: Ann, can you repeat  
13 that one more time?

14 ANN MCGEEHAN: Okay. Reps to  
15 voter --

16 CHAIRMAN BOHAC: I can't really hear  
17 you very well --

18 ANN MCGEEHAN: Sorry.

19 CHAIRMAN BOHAC: -- I apologize.  
20 This is a very important, critical point that you're  
21 making here.

22 ANN MCGEEHAN: Right. HAVA requires  
23 a person who registers to vote in the state for the  
24 first time by mail to provide proof of  
25 identification. They can provide it by submitting



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104

1 that identification with their voter registration  
2 application, or they can choose to bring that  
3 identification with them when they show up to vote.  
4 Their -- their name -- their name's annotated on the  
5 list of registered voters with a notation that  
6 identification is required from that voter. Okay.  
7 So that -- that's separate and apart from any  
8 requirements for showing certificate or  
9 identification at the polling place.

10 The -- that first-time voter  
11 identification requirement essentially disappears  
12 once the State has implemented the statewide voter  
13 registration list, because what HAVA says is once  
14 the State has -- is maintaining the official list of  
15 registered voters and once the State is verifying  
16 the driver's license number or the Social Security  
17 number is provided or the personal identifying  
18 number that's provided on the driver's license, once  
19 the State is verifying that, then the requirement  
20 for first-time voters who are registering by mail to  
21 produce identification, that disappears.

22 I just wanted to clarify what -- what that  
23 requirement is.

24 CHAIRMAN BOHAC: Members, any other  
25 questions? If not, thank you very much.



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1 And the Chair will recognize Chairwoman  
2 Denny to close her bill.

3 CHAIRWOMAN DENNY: Thank you, Mr.  
4 Chairman, Members. I -- I thank you, Ann McGeehan,  
5 for clearing that up, because that is the only case  
6 in which identification is required for voter  
7 registration. I mean, you can still go to the Post  
8 Office or the library and, you know, fill out a  
9 voter registration card and take it to her office or  
10 work through a Deputy Voter Registrar and do it that  
11 way.

12 Also, I wanted to let you know that voters  
13 without I.D. are still allowed to vote provisionally  
14 under -- under this bill.

15 A question had come up, too -- I'm -- I'm  
16 sorry, I don't remember which one of you all asked  
17 what the requirements of other states are. I think  
18 it might have been you, Brian.

19 16 states currently require voters to show  
20 some forms of I.D. at the polling place. Five of  
21 these require photo I.D. Five require the voters to  
22 show the proof of identity and/or address when  
23 registering to vote. Two states require voters to  
24 show proof of citizenship when registering to vote,  
25 although there are movements in several states for



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106

1 this requirement to expand. Okay?

2 And so, anyway, I -- I am working on a  
3 Committee Substitute that will address early voting  
4 by mail, the -- because I think -- or voting by  
5 mail. And -- because that is -- that was overlooked  
6 in this provision and -- or in this bill, and we  
7 don't want to overlook that, because we do want to  
8 require a copy of a photo I.D. to be mailed in with  
9 that.

10 And I think we could rely on our election  
11 division as well as our different counties, but --  
12 but certainly a -- a statewide program of education  
13 to -- when we would implement a program of this  
14 magnitude. They've done a marvelous job in the past  
15 when we have had to implement large changes to the  
16 election system in educating our voters, frankly, on  
17 what's required or -- or different changes in the  
18 law so that voters are not disenfranchised and  
19 not -- not caught unaware of what's going to be  
20 required of them when they go vote.

21 And public service announcements, if you  
22 want to call it that, to be -- put in things like  
23 people's utility bills and bank statements. And I  
24 mean, so often the business community is very -- is  
25 very helpful. And, you know, the private sector



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107

1 really joins in and helps throughout the State to  
2 notify people of massive changes in a public  
3 service, as it were, spirit to -- to help the State  
4 get the word out when we do changes of this nature.

5 So I don't think it will be really  
6 difficult to get everybody on board to try and  
7 maximize voter turnout and participation, if we are  
8 successful in doing this. I just think that it is  
9 so important that we safeguard the integrity of the  
10 vote and that -- that people are assured that their  
11 vote will be counted and that no one usurped their  
12 authority to cast their own vote.

13 And with that, I will close, and ask you  
14 to leave the bill pending, Mr. Chairman, so that we  
15 have a little bit more time to work on it. And I  
16 thank you for your time this afternoon.

17 CHAIRMAN BOHAC: Thank you, Madame  
18 Chairwoman.

19 The Chair will leave House Bill 1706  
20 pending.

21 Members, do you have any other questions  
22 or comments about the universe or anything else?  
23 If -- if there are no other questions or comments,  
24 the Subcommittee on Voter Verification is adjourned.  
25 Have a terrific weekend.



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REPRESENTATIVE HUGHES: Thank you.

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13 That the aforementioned CD was transcribed  
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<b>A</b>	96:6	17:2 27:25	<b>afternoon</b>	<b>allowing</b>
<b>ability</b>	<b>Act</b>	28:8,11	7:9 17:1	3:9 6:13 7:1
61:13 94:12	96:14	30:24 31:1	38:25 67:3	12:4 19:14
94:22	<b>action</b>	31:3 37:24	72:14	<b>allows</b>
100:24	109:22,25	39:1 47:12	107:16	5:9
109:14	<b>actual</b>	52:13 82:8	<b>age</b>	<b>alternative</b>
<b>able</b>	12:10,10	<b>Administr...</b>	67:13 84:22	78:4 79:13
6:16 23:1	<b>adapt</b>	27:17 38:23	<b>agency</b>	79:14
41:12 50:21	70:3,19	39:3 52:24	56:12 91:11	<b>altogether</b>
52:2 60:14	<b>add</b>	80:7,10	98:25	96:8
62:14 66:5	44:23 90:2	<b>admitted</b>	<b>ago</b>	<b>amends</b>
69:11,22	99:2	66:19	40:22 92:8	54:15
70:1 71:20	<b>addition</b>	<b>adopted</b>	<b>agree</b>	<b>America</b>
95:17,21	54:19	33:17 90:25	31:10 62:18	73:11 96:13
99:6 101:1	<b>additional</b>	<b>adoption</b>	70:5,8,10	<b>American</b>
101:5	64:11 78:1	56:6	<b>agreed</b>	35:10 93:20
<b>Absolutely</b>	96:6,6,11	<b>adult</b>	37:2 97:9	94:4
6:18 62:16	<b>address</b>	72:23	<b>airline</b>	<b>Americans</b>
<b>abuse</b>	8:1 17:8	<b>adults</b>	70:5 83:11	78:10
64:11	21:14 23:5	74:3	<b>airlines</b>	<b>amount</b>
<b>abused</b>	29:9,19	<b>advance</b>	70:1	75:16,18
64:10	43:12,25	9:18	<b>airplane</b>	97:11
<b>accept</b>	45:19,21	<b>advertised</b>	5:15	109:12
98:22,23	46:13 49:11	85:23	<b>airport</b>	<b>Anchia</b>
<b>acceptable</b>	49:17 52:2	<b>advise</b>	70:17	2:6,7 11:22
55:4,6,21	55:24 58:5	94:8	<b>albeit</b>	11:23 13:12
56:2,2,22	63:8 72:5	<b>Advocacy</b>	47:17	16:13 20:1
98:19	87:14 97:23	91:6,10	<b>Alexander</b>	20:2,14
<b>accepted</b>	97:24 98:4	<b>affect</b>	27:15 38:22	21:3,13,17
20:24 54:23	98:8 105:22	18:21	38:25 39:1	21:21,24
65:11,23	106:3	<b>affidavit</b>	52:22 80:6	22:4,7,14
94:13,22	<b>addressed</b>	19:4 29:10	80:9 81:15	23:7 29:5
95:12 96:12	32:8 55:25	29:12 57:2	81:21	30:2,3,19
97:8	95:20 96:4	65:12 81:13	<b>Alison</b>	31:2,24
<b>accepting</b>	<b>addresses</b>	81:19	4:13 25:1,4	32:11,15
97:13,14,17	43:22 51:11	<b>affirmation</b>	25:7,7,14	60:19 62:6
<b>access</b>	98:3	38:16 39:23	25:17,20,22	62:9,10,20
26:24,25	<b>addressing</b>	41:18 47:5	88:25 89:3	64:18,20
71:15 101:6	17:6	<b>afford</b>	<b>alleged</b>	65:8,19
<b>accidentally</b>	<b>adds</b>	9:10 15:19	12:3	66:2,7 68:6
44:3	45:6 67:14	60:14 86:5	<b>alleviate</b>	68:7,13,16
<b>account</b>	<b>adjourned</b>	<b>Afghanistan</b>	71:8	68:25 69:3
87:11	107:24	4:23	<b>allow</b>	69:10,16,20
<b>accurate</b>	<b>adjustment</b>	<b>AFLCIO</b>	30:10 34:20	70:4 71:3
27:10	37:12	7:8,11 11:5	78:16 92:5	71:11,18
<b>accurately</b>	<b>administr...</b>	88:19	<b>allowed</b>	75:8,9,15
42:24	33:16 98:17	<b>aforement...</b>	7:21,24 21:5	75:19,23
<b>acquire</b>	<b>administr...</b>	109:13	105:13	76:2,7,13



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76:15 82:11 <b>and/or</b> 105:22 <b>Ann</b> 30:14 33:4,7 33:8,8 34:13,17,22 34:25 35:4 35:7 62:17 93:17 102:19,24 102:24 103:12,14 103:18,22 105:4 <b>Anne</b> 32:21 40:12 51:1 93:16 109:9,17 <b>annotated</b> 104:4 <b>announcem...</b> 106:21 <b>answer</b> 24:21 78:18 84:20 <b>anticipate</b> 58:1 <b>anticipated</b> 10:22 <b>anybody</b> 94:25 <b>anymore</b> 45:5 100:16 <b>anyway</b> 31:16 44:22 67:11 106:2 <b>an/or</b> 50:18 <b>apart</b> 104:7 <b>apologize</b> 68:9 78:19 103:19 <b>app</b> 57:7 <b>appear</b> 94:16	<b>applicable</b> 94:10 <b>applicant</b> 43:2 <b>application</b> 42:21,25 43:7 44:11 51:12,21 52:11,16 57:7 90:9 103:7 104:2 <b>applications</b> 22:23 54:8 <b>applied</b> 5:25 <b>applies</b> 17:17,19 <b>applying</b> 57:1 <b>appreciate</b> 6:13 11:18 30:5 34:8 60:24 61:6 71:23 88:6 92:14 <b>approach</b> 62:25 <b>appropriate</b> 37:8 64:24 <b>appropria...</b> 3:12 5:13 57:18,22 <b>approxima...</b> 74:16 76:5 <b>April</b> 1:13 109:17 110:2 <b>area</b> 21:19 <b>areas</b> 8:4,12 9:9 28:12 86:20 86:23 <b>arguments</b> 6:3 83:8 <b>Arizona</b> 5:6 93:7 <b>articulated</b>	62:12 <b>aside</b> 17:15 <b>asked</b> 6:9 64:25 105:16 <b>Assessor</b> 67:4 <b>Assessor's</b> 66:24 <b>associated</b> 72:2 <b>Association</b> 27:16 39:2 52:23 61:3 61:8 80:6 80:10 <b>Associations</b> 38:23 <b>assume</b> 45:21 46:12 101:10 <b>assuming</b> 99:5 <b>assured</b> 107:10 <b>attempt</b> 45:24 58:21 <b>attempting</b> 94:25 <b>attempts</b> 54:1 <b>attention</b> 40:20 85:21 <b>Attorney</b> 109:10,18 <b>attorneys</b> 109:22 <b>audience</b> 2:10 <b>Austin</b> 13:13 109:11 109:19 110:8 <b>author</b> 63:19 64:24 <b>authority</b> 107:12	<b>authorized</b> 55:1 56:12 <b>available</b> 12:18 <b>avenue</b> 101:7 <b>average</b> 8:18 9:19 15:3 16:3 <b>aware</b> 19:13 57:9 90:7 101:23 <b>a/k/a</b> 16:24 <hr/> <b>B</b> <hr/> <b>B</b> 20:7 <b>back</b> 5:12,20 6:15 13:9 14:21 25:7 42:10 42:13 43:5 44:1,22 45:5 47:13 48:18,23 50:5 52:4 53:13 60:4 63:8 80:16 80:18 85:5 96:12 97:10 <b>background</b> 22:3 <b>bad</b> 43:22,24 46:12 49:1 50:20 90:2 <b>Bailey</b> 23:14,17,18 40:9 50:11 50:15 89:7 89:12,13 90:11,14 91:2,3 <b>balance</b> 12:2,8 71:22 <b>ballot</b> 29:16 53:24	54:2 55:2 62:15 69:13 72:6 80:14 80:19,22,24 81:3,4,14 81:16,20 84:12 90:23 95:10 <b>ballots</b> 22:23 28:16 29:23 34:12 72:1 81:1 89:25 <b>bank</b> 6:8,9 55:22 97:1 106:23 <b>BAROSKY</b> 23:11 <b>base</b> 32:13 <b>based</b> 19:5 22:16 28:19 93:17 94:14 <b>basically</b> 3:18 13:10 29:11 <b>basis</b> 38:9 <b>bed</b> 16:7 <b>behalf</b> 77:3 99:5 <b>believe</b> 7:18 16:20 23:21 30:20 36:16 42:16 44:10 78:2 93:17 101:22 <b>benefit</b> 56:11 <b>benefits</b> 52:14 56:8,9 <b>best</b> 4:6 109:14 <b>Bettencou...</b> 39:13
--	--	--	---	---



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<b>better</b> 45:9 83:7 100:22 <b>Bexar</b> 16:24,24 17:3 18:13 19:16 21:23 21:24 28:15 37:22,24 47:7,12 82:2,8 102:6 <b>beyond</b> 41:9 87:17 <b>big</b> 12:19 14:22 45:10 <b>bigger</b> 49:15 50:22 <b>biggest</b> 62:2 <b>bill</b> 2:11,13,15 2:16,18,21 2:22,23 3:16,17,17 3:24 6:14 7:8,14 8:16 9:14 12:16 12:21 16:19 16:25 17:4 17:7 23:16 23:21,21 25:3,10,10 25:13,19 27:18,23 28:1 29:9 30:18 31:13 31:23 32:19 32:23 33:5 33:11,13,20 33:23 34:9 35:12,14,15 35:17,19,22 35:23,25 37:22 38:1 38:11,21,24 39:4,5,7,15	39:19 40:3 40:6,8,11 40:14 41:1 41:3,7,20 41:24 42:2 42:4,5,19 43:4,18,19 44:16,19 46:22 47:8 47:14,14 50:12,23 51:2,5,9 53:1,5,8,8 53:10,11,14 53:18,19 54:15,22,24 55:3,5,20 55:22 56:17 56:24 57:4 57:10,18 58:4,6 60:18,24,25 61:4,8,18 61:22 62:14 62:24 66:25 72:13 76:23 77:4 80:7 80:13 82:2 82:9,16 87:10 89:2 89:6,9,14 91:7 92:1 93:18,22 94:11 95:23 96:25 102:23 105:2,14 106:6 107:14,19 <b>bills</b> 26:4 57:14 68:15 94:14 94:21,24 95:9,18 96:2,4,13 96:19 97:2 98:14 99:4 99:6,7,16 101:3,5	106:23 <b>bill's</b> 77:24 <b>birth</b> 56:1,3 92:20 <b>birthdate</b> 51:17 <b>bit</b> 10:2 12:22 18:11 26:8 36:22 41:19 47:17 70:9 83:7 100:18 107:15 <b>bitty</b> 24:3 <b>Blockbuster</b> 5:21 24:3 <b>block's</b> 81:3 <b>board</b> 81:3 107:6 <b>Bohac</b> 2:1,4,5,9,25 3:1,4,6 4:20 6:18 6:23 7:2,6 10:13 11:21 16:17,23 19:24 23:9 23:13 24:23 25:6,9,11 25:15,18,21 27:12,22 28:2,5 29:25 32:17 33:2 34:4 35:6,8 37:18 38:12 38:15 39:8 39:21 40:1 40:7,25 41:14,17 42:3,3 45:13 46:17 46:20 47:3 48:5 49:6 49:14,22	50:2,6,10 50:24 52:19 59:8 60:16 61:15,25 62:4,8,21 63:18 64:17 66:21 68:4 68:10,14 72:9,17 73:17 75:7 76:17,21 78:22 79:20 79:25 81:6 81:24 82:5 85:2,5 87:20 88:14 88:17,22 89:4 90:7 90:13,24 91:4 93:13 94:2 99:22 100:20 101:9,18 102:12,15 102:19 103:12,16 103:19 104:24 107:17 <b>bond</b> 102:13 <b>born</b> 69:7,18 70:7 <b>Borofsky</b> 16:24 17:1,2 20:13,22 21:4,14,20 21:23 22:2 22:5,12,15 23:12 28:15 37:21,23,23 38:14 47:6 47:11,11 48:6,13,16 48:22 49:2 49:5,20,25 50:4,9 82:1 82:4,7,7 85:4 86:2	87:22 88:2 88:4,7,10 88:16 <b>boss</b> 14:24 <b>bottleneck</b> 19:23 <b>bottom</b> 80:22,23 <b>box</b> 43:1 49:15 95:20 99:24 <b>bracket</b> 36:22 <b>Brazos</b> 4:16 <b>Brian</b> 7:3,4 105:18 <b>brief</b> 25:23 27:8 <b>briefly</b> 40:19 77:13 <b>bring</b> 17:14,16,17 19:9,22 84:7 90:5 100:24 101:25 103:7 104:2 <b>bringing</b> 21:12 <b>broaden</b> 100:8 <b>Brock</b> 25:1,4,7,7 25:14,17,20 25:22 88:25 89:3 <b>brought</b> 58:6 62:17 87:6,6 <b>Bruce</b> 27:19,21,24 28:4,4,7 30:4,25 31:10 32:3 32:12 40:15 40:18 51:4
--	---	--	---	---



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51:6,8 61:17,19,20 61:20 62:2 62:16 <b>burden</b> 26:5 68:1 76:11 78:1 78:4 92:12 <b>bureaucracy</b> 99:15 <b>bus</b> 9:11 14:2,13 16:9 <b>Bush</b> 78:12 <b>business</b> 3:6 106:24 <b>buy</b> 67:12 <b>B1</b> 31:9	98:18 <b>Cameron</b> 86:23 <b>campaign</b> 25:2 85:13 89:1 <b>campaigns</b> 23:4 <b>canceled</b> 37:11 <b>cannister</b> 6:10 <b>car</b> 24:9,10 <b>card</b> 5:18 7:20 9:7 14:8 15:22 17:14 17:21 19:22 20:16 24:3 24:10 30:11 43:14 44:21 45:2 46:4 47:20 48:11 48:18,23 49:4,10,24 50:1,3,5,19 52:5 55:7 55:10,13,16 56:7,13,18 58:10 63:10 63:12,16,23 64:6,7 65:16,18,20 66:15 70:21 70:25 72:25 74:1 81:12 83:23 84:2 84:3,15,16 84:17,21,23 84:24 88:8 89:18 98:21 100:5,6,16 101:16,21 101:22 105:9 <b>cards</b> 24:1 48:1	51:10 60:3 70:23 72:22 74:16,19,25 76:1,10 101:12 <b>care</b> 11:15 98:13 <b>carry</b> 55:19 67:10 67:25 68:2 68:2 74:4 78:10 84:8 88:1 99:15 <b>cars</b> 9:9 13:23 75:5 <b>case</b> 65:3,10,14 79:11 102:4 105:5 <b>cases</b> 22:22 32:4 <b>cash</b> 5:16 <b>Cass</b> 11:11 <b>cast</b> 67:18,20 102:7 107:12 <b>casting</b> 4:24 67:21 95:10 <b>catch</b> 16:9 29:8 30:16,18 36:25 60:19 <b>category</b> 37:14 <b>caught</b> 106:19 <b>Cause</b> 16:18 40:3 46:21,25 62:24 63:4 <b>causes</b> 37:5 <b>caution</b>	48:4 <b>CD</b> 109:6,13,15 <b>certain</b> 8:12 67:7 79:7 97:9 97:16 <b>certainly</b> 5:24 39:8 58:14 67:9 101:24 102:13 106:12 <b>certificate</b> 17:11 18:25 20:9,25 21:2,6,8 28:21,25 29:10,13 31:7,14,19 42:10,14,17 43:5,9,13 43:17,20,22 51:22 53:25 54:14,19 55:14 56:2 56:25 57:1 57:6 61:23 62:1 65:5 65:13,16 69:14 80:21 81:16 92:16 92:18,20,21 92:22,24 94:13,17,23 95:1,8,14 98:8,23 99:20 100:25 102:3,7 104:8 <b>certificates</b> 21:11 44:4 54:9 <b>certified</b> 56:1,4 109:3 110:1 <b>certify</b>	109:5,20 <b>chain</b> 24:4 <b>Chair</b> 2:15,17,20 7:6 11:24 16:17,23 23:13 25:1 27:15,19,21 32:18 33:3 34:5 35:8 35:15,17,19 37:21 38:19 38:22 39:12 40:1,9,12 40:18 41:19 41:24 42:2 44:14 45:13 46:20 47:6 50:10 51:1 51:4 52:22 53:12,12,16 59:10 61:1 61:17,21 62:6,8,23 64:25 66:23 68:5,9 72:11 73:22 75:10 76:21 79:1,21 82:1 88:17 88:25 89:7 91:5 93:15 93:19 105:1 107:19 <b>Chairman</b> 2:1,4,5,9,25 3:1,4,5 4:20 6:16 6:18,23 7:2 7:6 10:13 11:21 16:17 16:23 19:24 20:3 23:9 23:13,17 24:23 25:6 25:8,8,11 25:15,18,18 25:21 27:12
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27:22 28:2	<b>Chairwoman</b>	<b>checking</b>	<b>clearly</b>	<b>come</b>
28:5 29:25	53:17,20	87:11	12:7	2:2 6:15
32:17 33:2	59:15,18,21	<b>checks</b>	<b>clerk</b>	10:3,8
34:4 35:6,8	60:5,8,11	75:2 80:21	2:3,4,6,8,12	15:19 18:10
36:2,3	60:13 63:20	<b>Chew</b>	14:5	28:25 31:6
37:18 38:12	63:24 64:25	100:18	<b>clerks</b>	37:25 38:15
38:15 39:1	65:7,21,24	<b>children's</b>	8:13 23:22	39:9 44:1
39:8,21	66:4,8	16:6	<b>click</b>	57:12 60:21
40:1,7,25	105:1,3	<b>chilling</b>	24:4	61:6 63:8
41:14,17	107:18	66:18	<b>Cliff</b>	67:9 69:20
45:13 46:17	<b>Chair's</b>	<b>choice</b>	16:24 17:1,2	70:24 77:17
46:20 47:3	2:14	103:5	20:13,22	77:18 78:3
47:10 48:5	<b>challenge</b>	<b>choices</b>	21:4,14,20	86:17 94:19
49:6,14,22	23:1,2	3:18	21:23 22:2	95:3 96:12
50:2,6,10	<b>challenges</b>	<b>choose</b>	22:5,12,15	103:8
50:15,24	4:2 47:17	104:2	23:11,12	105:15
51:7 52:19	<b>chance</b>	<b>cigarettes</b>	28:14,14	<b>comes</b>
53:21,23	19:6	67:12	37:21,23,23	20:23 57:17
59:8 60:16	<b>change</b>	<b>circle</b>	38:13,14	95:6
61:3,5,15	38:16 39:6,9	45:3	47:6,11,11	<b>coming</b>
61:25 62:4	39:18 41:13	<b>circular</b>	48:13,16,22	17:15 27:10
62:8,21	41:17 43:3	92:19	49:2,5,20	39:22 47:4
63:18 64:17	43:4,12	<b>cities</b>	49:25 50:4	61:16
66:21 68:4	45:22 49:10	8:6,20 9:3	50:9 82:1,3	<b>comment</b>
68:10,14	49:16 52:2	<b>citizen</b>	82:4,7,7	17:5 25:22
72:9,17	56:6 70:2	6:1 16:3	85:4 86:2	99:22
73:17 75:7	82:12,14	70:12	88:2,4,7,10	<b>comments</b>
76:17,21	91:23 98:8	<b>citizens</b>	88:16	25:9 64:18
77:2 78:22	<b>changed</b>	10:8 70:7	<b>close</b>	83:9 94:9
79:20,25	5:13,14 8:21	<b>citizenship</b>	6:15 17:12	107:22,23
81:6,24	9:4,5 15:12	55:14 56:3	35:15 41:2	<b>commitments</b>
82:5 85:2,5	37:25	105:24	41:24 53:7	60:21
87:20 88:14	<b>changes</b>	<b>city</b>	53:11 67:13	<b>Committee</b>
88:17,22	45:11,12	13:14,24,25	105:2	1:2 3:12
89:4,13	106:15,17	<b>clarified</b>	107:13	16:14 17:5
90:7,13,24	107:2,4	80:16	<b>closely</b>	25:24 26:22
91:4 93:13	<b>changing</b>	<b>clarify</b>	20:21	35:18,24,24
94:1 99:22	31:16 39:22	47:15 104:22	<b>closing</b>	36:3 40:16
100:20	<b>Chapter</b>	<b>clean</b>	6:17	42:1 57:9
101:9,18	44:24	40:21 61:10	<b>Cocourse's</b>	59:7 61:3
102:12,15	<b>charged</b>	<b>clean-up</b>	25:10	99:16 106:3
102:19	22:21	36:5	<b>code</b>	109:7
103:12,16	<b>check</b>	<b>clear</b>	26:23 50:20	<b>common</b>
103:19	5:16 21:1,5	25:25 33:13	54:15	16:18 40:3
104:24	55:23 91:19	73:11 81:23	<b>collecting</b>	46:21,24
105:4	<b>checked</b>	<b>clearing</b>	56:24	62:24 63:3
107:14,17	16:20 32:25	105:5	<b>combination</b>	74:11
<b>Chairmens</b>	80:23 81:4		21:1	<b>communicated</b>
61:8				



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85:20 <b>communities</b> 13:4 <b>community</b> 91:17 106:24 <b>compared</b> 74:10 <b>complies</b> 54:21 <b>compromised</b> 3:15 5:1 <b>concealed</b> 55:19 84:8 84:16 87:25 <b>concern</b> 20:5,19 26:4 40:20 47:19 48:11 61:25 62:3,11 64:21 65:2 77:14 80:12 80:25 <b>concerned</b> 18:17,22 25:24 51:9 91:21 <b>concerns</b> 4:4 32:6,13 <b>conclusion</b> 99:14 <b>conclusive</b> 64:23 <b>confidence</b> 67:15 77:8 <b>confirming</b> 56:3 <b>conflict</b> 78:15 <b>confusion</b> 43:19 45:7 80:13 <b>Congress</b> 92:11 96:18 110:8 <b>connect</b> 16:10 <b>connecting</b> 14:12	<b>cons</b> 47:14 <b>consider</b> 82:21 <b>constitution</b> 69:1,8 70:8 <b>contact</b> 45:18 <b>contain</b> 3:22 <b>containing</b> 55:11,11,13 56:13,19 <b>contains</b> 55:14,18 <b>contiguously</b> 15:24 <b>continual</b> 77:16 <b>controversy...</b> 92:9 <b>copy</b> 55:22 56:1,4 103:5 106:8 <b>correct</b> 41:11 42:21 43:7 59:15 61:24 73:13 75:6,25 <b>corrected</b> 42:15 <b>correcting</b> 42:8 47:4 <b>correction</b> 44:1 51:11 <b>corrections</b> 36:13 44:23 45:1 51:25 <b>correspon...</b> 96:3 98:25 <b>cost</b> 59:12 83:5 <b>counsel</b> 94:4 109:21 <b>count</b> 11:15 19:5 29:16 31:15 31:21 77:25	<b>counted</b> 18:15 28:17 33:19 63:17 72:8 80:24 81:5 107:11 <b>counties</b> 8:1,9,11 15:11 19:12 24:19 106:11 <b>country</b> 4:20 5:1 <b>county</b> 4:16 11:11 16:24,25 17:3,13,19 18:13 19:16 21:23,25 23:23 26:16 27:25 28:8 28:10,15 30:6,24 32:5 37:22 37:24 38:7 39:2,14,17 44:1,15,18 47:7,12,18 51:8 52:13 61:3,7 66:24 67:4 82:2,8 85:6 86:23,23 96:23 97:4 97:15 102:6 102:6 109:1 <b>couple</b> 5:11 13:15 58:5 84:6 92:8 <b>course</b> 38:6 53:4 57:17 100:2 <b>court</b> 56:5 <b>Courthouse</b> 102:6 <b>cover</b> 29:7 65:2	<b>covered</b> 65:18 87:18 <b>covers</b> 29:7 <b>create</b> 15:24 19:23 48:1 84:10 97:12 <b>created</b> 99:2 <b>creating</b> 18:4,17,23 47:22 84:13 96:9 <b>credit</b> 5:18 24:1 <b>crippled</b> 70:16 <b>critical</b> 73:20 84:4 103:20 <b>crossed</b> 14:10 <b>crux</b> 87:16 <b>CSR</b> 1:13 110:6 <b>cumulative</b> 20:6 <b>cure</b> 77:22 <b>cured</b> 78:20 <b>curiosity</b> 76:4 <b>curious</b> 11:8 45:17 74:3,14 87:23 <b>current</b> 31:13 42:7 42:24 43:3 54:11 55:22 55:23 58:14 80:17 81:10 94:18 <b>currently</b> 20:6 79:9	83:20 84:2 105:19 <b>curve</b> 10:6 <b>custom</b> 35:18 69:17 <b>customary</b> 41:25 53:15 <b>cut</b> 48:23 <b>cycle</b> 13:10 <hr/> <b>D</b> <hr/> <b>dad</b> 11:1,1 100:3 <b>Dallas</b> 28:8,10 30:5 32:5 51:8 52:12 <b>database</b> 26:13,17,20 27:2,6 74:19 <b>databases</b> 26:24,25 <b>date</b> 37:10 55:9 110:6 <b>day</b> 3:12 13:11 15:1,12 29:8 30:18 54:3 58:18 77:12,21 95:11 98:18 100:3 110:1 <b>days</b> 37:10 41:9 <b>deal</b> 22:21 36:5 90:2 99:6 <b>debating</b> 79:9 <b>deceived</b> 27:4 <b>decide</b> 15:16
---	---	---	--	--



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<b>decipher</b>	83:25 90:16	<b>disagree</b>	<b>documenta...</b>	14:11 24:9
45:11	105:10	100:20	98:22 102:1	24:11 26:9
<b>decree</b>	<b>described</b>	<b>disappears</b>	<b>documents</b>	51:18 55:6
56:5	30:9	104:11,21	97:20 98:9	56:17 57:25
<b>defends</b>	<b>desire</b>	<b>discourage</b>	99:3 100:23	63:14 72:24
94:6	68:8	6:4 96:9	<b>doing</b>	73:4,25
<b>Defense</b>	<b>determine</b>	<b>discouraged</b>	6:6 16:6	74:10,21
35:10 93:20	51:25 76:10	6:5	18:3 26:12	75:12,17
<b>delay</b>	<b>determined</b>	<b>discover</b>	52:6 53:21	76:10 84:3
18:19	82:22 83:6	8:23 9:4,5	107:8	96:1 97:19
<b>deliberate</b>	<b>deterrent</b>	15:21	<b>dollars</b>	97:23 98:1
36:20	7:18	<b>discovered</b>	98:9,11	98:4,6,7,12
<b>demanding</b>	<b>deterrents</b>	14:1	<b>Don</b>	100:7 101:1
82:18	6:3	<b>discussed</b>	27:15 38:22	101:3
<b>Democrat</b>	<b>developing</b>	58:8	38:25 39:1	102:11
50:11	26:13	<b>discussing</b>	52:22 80:6	104:16,18
<b>Democratic</b>	<b>died</b>	47:13	80:9 81:15	<b>driving</b>
23:15,19	5:3 59:3	<b>discussion</b>	81:21	13:21 56:10
24:17 40:10	<b>difference</b>	17:25	<b>door</b>	73:4 75:5
50:16 89:8	31:22	<b>disenfran...</b>	60:4 86:18	<b>dual</b>
89:14	<b>different</b>	12:12 30:23	<b>dot</b>	78:17
<b>denied</b>	3:21 4:1 5:5	<b>disenfran...</b>	36:10	<b>due</b>
70:13 77:11	18:9 19:1	37:4 68:19	<b>doubt</b>	42:13 43:24
<b>Denny</b>	19:13 47:23	86:9 106:18	51:15	109:12
25:8 36:3	54:18 70:9	<b>disenfran...</b>	<b>dovetails</b>	<b>duly</b>
53:17,17,20	81:1 97:13	68:22 92:13	78:15	77:9
59:15,18,21	99:11,11,12	<b>disenfran...</b>	<b>DPS</b>	<b>duplicate</b>
60:5,8,11	106:11,17	67:19	55:19 56:11	47:22
60:13 63:20	<b>difficult</b>	<b>dishonesty</b>	56:24 58:1	<b>duty</b>
63:24 64:25	42:14 43:24	9:22	59:12 60:2	15:17
65:7,21,24	52:18 58:15	<b>disparate</b>	60:3 72:15	
66:4,8	107:6	64:22	72:25 87:24	<b>E</b>
79:12 80:11	<b>diluted</b>	<b>dispensed</b>	<b>DPS-issued</b>	<b>earlier</b>
105:2,3	67:21	85:19	72:22 74:1	30:9 99:13
<b>Denny's</b>	<b>dinner</b>	<b>district</b>	<b>Dr</b>	<b>early</b>
25:19 66:9	16:7	22:19 100:3	40:19	4:17 15:13
<b>Denton</b>	<b>direct</b>	<b>diverse</b>	<b>drafted</b>	16:8 18:6
39:2	33:20,24	17:18	33:13	19:15,16
<b>Department</b>	<b>direction</b>	<b>division</b>	<b>drive</b>	58:17 77:18
28:13 55:8	23:6	33:9 102:25	9:10 13:18	77:18 99:6
56:16 67:5	<b>director</b>	106:11	73:25 74:2	99:8 106:3
72:12 79:22	23:19 39:17	<b>divorce</b>	75:1 95:16	<b>easier</b>
80:1	46:24 50:16	56:5	95:16	42:22 52:9
<b>deposit</b>	63:3	<b>document</b>	<b>drivers</b>	52:10,17
6:9	<b>dis</b>	55:23 56:3	75:22	98:23
<b>DEPOSITION</b>	67:14	97:17	<b>driver's</b>	<b>easily</b>
110:7	<b>disabilities</b>	101:13	7:23 9:8,11	29:24
<b>deputy</b>	91:12,25		13:4 14:7,9	<b>east</b>



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8:5 10:17 10:17 11:8 41:7 <b>easy</b> 29:21 68:18 <b>economy</b> 70:15 <b>educated</b> 100:9 <b>educating</b> 100:13 106:16 <b>education</b> 19:7 55:17 85:13 100:21,22 101:7,25 106:12 <b>Educational</b> 35:11 93:21 94:5 <b>effect</b> 17:23 66:18 <b>effectively</b> 85:20 <b>efficiency</b> 17:15 <b>Eight</b> 21:20,21 <b>either</b> 13:4 20:10 23:6 28:25 31:7 54:17 54:25 79:10 82:17 89:15 97:9 100:21 <b>either/or</b> 47:25 94:18 <b>elderly</b> 95:15,16 <b>election</b> 9:2 13:10,11 15:12 18:22 22:16 26:23 27:16 28:13 28:16 39:3 52:23 54:3 54:15 58:18	61:11 71:25 77:12,21 80:7,10 86:17 94:2 95:11 97:22 100:3 102:5 102:5,12,13 102:24 106:10,16 <b>elections</b> 1:2 4:1 8:5 8:11 9:22 9:24 17:2 22:1,19 27:25 28:8 31:1 32:1,2 33:9 37:24 38:23 39:1 47:12 52:7 52:13 89:25 109:7 <b>electronic</b> 85:7,9 <b>eligibility</b> 54:22 <b>eligible</b> 26:17 30:13 36:8 57:6 61:13 67:19 68:23 81:2 <b>eliminates</b> 94:22 <b>Elizabeth</b> 41:21 53:3,6 <b>Elm</b> 70:25 <b>emotion</b> 22:21 <b>employed</b> 109:21 <b>employee</b> 55:12 <b>enclose</b> 103:5 <b>encourage</b> 64:3,13 <b>encouraging</b> 26:1	<b>endured</b> 4:2 <b>enfranchised</b> 86:11 <b>enlightening</b> 102:22 <b>enormous</b> 97:11 <b>ensure</b> 54:1 <b>ensures</b> 77:10 <b>ensuring</b> 42:23 <b>entertain</b> 59:6 <b>entitled</b> 109:6 <b>entity</b> 56:1,7 <b>envelope</b> 46:4 <b>equally</b> 94:9 <b>erroneously</b> 36:25 <b>error</b> 41:12 <b>especially</b> 14:23 58:16 87:18 <b>ESQUIRE</b> 110:7 <b>essentially</b> 19:3 26:22 69:5 104:11 <b>establishes</b> 56:20 <b>estimate</b> 17:12 <b>estimated</b> 57:21 <b>everybody</b> 11:16 19:6 19:17 61:13 82:22 107:6 <b>evidence</b>	94:15 95:3 99:19 <b>evolved</b> 5:14 22:24 <b>exactly</b> 92:25 <b>example</b> 13:8 95:15 <b>examples</b> 58:16 <b>exceptions</b> 23:3 <b>exclude</b> 96:7 102:9 <b>executed</b> 80:15 <b>executes</b> 57:1 65:11 <b>Executive</b> 46:24 63:3 <b>exercise</b> 12:4 30:22 68:23 69:4 69:11,22 71:16 <b>exist</b> 26:25 54:12 <b>existing</b> 33:16 54:21 <b>exists</b> 19:4 <b>expand</b> 106:1 <b>expect</b> 57:13 89:19 89:20 <b>expected</b> 9:18 <b>expedite</b> 68:8 <b>expense</b> 59:17,25 <b>expensive</b> 58:2 <b>experience</b> 21:19,22 22:8 28:9 30:24 31:5	31:25 36:20 <b>experiences</b> 3:25 <b>expert</b> 27:6 <b>experts</b> 98:15 <b>Expiration</b> 110:6 <b>expired</b> 55:8,9 <b>explain</b> 35:21 53:17 <b>explaining</b> 58:4 <b>explanation</b> 46:25 <b>explicit</b> 62:13 <b>express</b> 32:14 <b>expressed</b> 80:11 82:11 <b>extent</b> 37:6 62:15 <b>extremely</b> 42:17 <b>E-trans</b> 109:17 <hr/> <b>F</b> <hr/> <b>fact</b> 18:21 21:6,7 30:8 44:7 63:5 78:15 82:14 92:14 100:1 <b>fails</b> 54:24 <b>fair</b> 30:7 76:13 76:15,16 <b>fairly</b> 19:17 <b>fake</b> 54:9 <b>fall</b> 19:14 85:8
--	--	--	---	---



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<b>false</b> 26:7,9 54:7	91:24 95:21 98:14	<b>folks</b> 27:4 49:7	30:11 31:8 54:18,25	51:13 96:20
<b>familiar</b> 102:2	<b>financially</b> 57:2 109:24	59:13 71:21 78:5 85:9	55:4,6,21 56:19,21	<b>functions</b> 99:16
<b>family</b> 58:12,13	<b>Finch</b> 38:19	86:22	63:24 78:4 79:14 83:21	<b>Fund</b> 35:11 93:21
<b>fantastic</b> 26:12 30:6	<b>find</b> 8:24 51:12	<b>follow</b> 29:18 81:10	94:20 96:6 105:20	94:5 <b>fundamental</b> 12:5 68:23
<b>far</b> 29:20 52:1	51:21 52:11 52:15 71:13	<b>following</b> 55:5,20	<b>fought</b> 59:3	70:6 77:24
53:2 93:6,8	72:2 91:19	109:5	<b>found</b> 14:18	<b>funding</b> 57:12,17
<b>father</b> 100:2 101:4	96:11 101:20	<b>follow-up</b> 29:4 57:10	<b>four</b> 38:8 40:22	<b>funds</b> 97:8
<b>favor</b> 39:6 40:6,7	102:4	<b>food</b> 14:5,6	57:15 63:7	<b>further</b> 109:20,23
44:18	<b>fine</b> 58:14	<b>force</b> 96:5	<b>franchise</b> 12:5 30:22	<hr/> <b>G</b> <hr/>
<b>favorably</b> 53:10	<b>finished</b> 93:5	<b>forced</b> 63:16	69:4,23 71:16	<b>garage</b> 40:21
<b>federal</b> 56:12 59:22	<b>FIRM</b> 110:7	<b>forcing</b> 96:10	<b>Frank</b> 32:18 76:22	<b>gas</b> 9:14
63:6 96:20	<b>first</b> 4:25 8:22	<b>foreclose</b> 101:7	77:1,3 79:6 79:17	<b>general</b> 28:16 53:10
97:6 103:9	14:10 29:8 36:10 86:11	<b>forefathers</b> 59:3	<b>frankly</b> 101:18	71:25 <b>Generals</b> 109:18
<b>fee</b> 56:25 57:3,8	88:21 90:8 90:15 103:3	<b>forget</b> 82:20	106:16	<b>General's</b> 109:11
<b>feel</b> 13:2,5,6	103:24	<b>form</b> 2:11 3:19	<b>fraud</b> 10:7 12:3	<b>generate</b> 81:1
61:9 76:8	<b>first-time</b> 96:23 97:4	20:10 25:16 29:1 38:16	22:9 25:24 32:1 54:4	<b>generation</b> 100:14
89:24	104:10,20	39:9,23 41:18 42:17	66:12 71:19 71:19 94:15	<b>George</b> 39:12,16,16
<b>fees</b> 60:3 98:13	<b>fiscal</b> 57:19,21	42:18 43:20 44:11 47:5	95:5 99:19	39:21 44:14
<b>file</b> 3:24 75:22	59:11 75:14	54:17 69:23 90:10,22	<b>fraudulently</b> 95:7	44:17,17
85:6	<b>fishing</b> 12:18 56:14	92:21,24 98:19	92:21	45:20 46:3
<b>filed</b> 43:19 54:8	84:25	100:11	<b>freedom</b> 70:11,11	46:18 66:23
57:11	<b>five</b> 36:8 80:23	<b>formal</b> 57:12	<b>frequently</b> 69:11 100:4	67:1,3,4
<b>fill</b> 25:16 51:14	105:20,21	<b>formally</b> 91:10	<b>freshman</b> 3:7	68:24 69:2
58:10 64:6	<b>flight</b> 60:19	<b>forms</b> 3:21 5:8	<b>friend</b> 14:4	69:9,15,19
84:2 90:22	<b>flocking</b> 9:25	7:22 12:17 17:22 20:9	<b>friends</b> 4:6 58:12	69:25 70:10
105:8	<b>Floor</b> 109:10,18	20:11,16	<b>front</b>	71:7,17,24
<b>filled</b> 7:12	<b>flu</b> 78:19			<b>Georgia's</b> 79:8
<b>filling</b> 49:16				<b>Germaine</b> 79:21
<b>final</b> 53:2				<b>getting</b>
<b>finally</b>				



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14:2 16:2 19:8,13 26:9 27:4 85:22 <b>give</b> 13:8 37:9 47:16 70:25 74:8 84:11 97:10 98:14 <b>given</b> 14:25 36:18 69:1 77:4 97:11 <b>gives</b> 3:18 67:15 70:22 <b>giving</b> 5:3 12:22 14:6 <b>glad</b> 14:17 35:3 <b>go</b> 4:5 5:12 6:6 8:11,17,22 9:4,15 13:18 14:20 14:25 15:17 16:9 21:9 24:2 26:7 26:22 27:9 36:21 41:9 46:14 51:12 51:21 52:10 52:12 63:11 64:8 68:11 68:20 70:25 80:18,22,25 81:11 84:3 87:3 89:19 92:2,20 93:9 95:14 96:23,24 98:6,10,11 99:10 100:4 100:7,23 101:8,13 102:3 105:7 106:20	<b>goes</b> 81:3 <b>going</b> 4:11 6:14 8:7,18 9:22 16:8 17:16 18:5,19 19:22 26:8 58:1 64:13 66:12,15 78:20 80:16 80:25 81:4 82:25 83:2 83:14 84:12 85:5,8 86:14,15,16 86:17,19 90:22 91:12 91:22 92:2 92:2,3,4,19 95:17,20 96:3 97:7 98:1,2,5,10 101:20 102:9,10 106:19 <b>good</b> 5:23 6:24 7:9 13:19 17:1 18:5,8 19:12 21:15 45:21 47:14 49:8 58:3 61:9 67:3,6 72:14 73:9 78:14 83:18 87:15 99:14 <b>goodness</b> 3:13 101:1 <b>government</b> 22:3 55:23 63:6 91:18 98:25 99:14 <b>governmental</b> 56:1,7 <b>governmen...</b> 100:10 <b>grace</b>	82:21 85:17 85:25,25 87:1 <b>grandmother</b> 101:2 <b>granted</b> 13:17 <b>great</b> 3:4 22:20 48:16 53:21 93:14 <b>greater</b> 98:16 101:6 101:6 <b>group</b> 17:18 <b>guarantee</b> 17:24 71:1 <b>guess</b> 18:19 27:20 34:18 44:19 59:17 60:2 70:14 73:3 81:23 85:16 <b>gun</b> 12:19 <hr/> <b>H</b> <hr/> <b>half</b> 19:17 21:11 <b>Hammerlein</b> 39:12,16,17 44:14,17,18 45:20 46:3 46:18 66:23 67:3,4 68:24 69:2 69:9,19,25 70:10 71:7 71:17 72:10 <b>HAMMERLINE</b> 69:15 71:24 <b>Hampton</b> 11:16 <b>hand</b> 2:11 44:25 82:23 <b>handed</b>	41:19 59:22 83:5 <b>handgun</b> 55:19 84:8 84:16 87:25 <b>happen</b> 22:19,22 37:15 <b>happened</b> 4:6 <b>happening</b> 4:23 <b>happens</b> 36:9,24 45:18 <b>happy</b> 24:21 40:22 59:6 78:18 <b>hard</b> 15:7 30:5 92:4 <b>harder</b> 10:2,7 <b>Harris</b> 39:14,17 44:15,18 47:17 66:24 67:4 85:6 <b>HAVA</b> 57:10,13 78:15 79:1 83:20 90:21 91:1,1 92:9 92:11 96:19 96:21,22 97:7,8 99:8 103:9,22 104:13 <b>HB-1293</b> 94:10 <b>HB-1706</b> 94:9 <b>head</b> 30:16 <b>hear</b> 6:15 32:6 103:16 109:14	<b>heard</b> 2:14 9:20 77:15 94:24 95:4 96:14 <b>hearing</b> 46:25 <b>heighten</b> 97:25 <b>Hello</b> 25:4 <b>help</b> 12:24 61:9 72:21 96:13 107:3 <b>helpful</b> 12:8 106:25 <b>helps</b> 107:1 <b>Hi</b> 37:23 39:16 <b>Hidalgo</b> 86:22 <b>higher</b> 55:17 <b>history</b> 85:6 93:17 <b>holding</b> 95:7 <b>home</b> 9:15 14:20 15:13 87:4 89:22 96:2 96:11 <b>homeowner</b> 87:9 <b>homes</b> 89:20 <b>homework</b> 16:6 <b>honest</b> 9:20 10:7 31:23 <b>honor</b> 6:16 <b>hope</b> 8:24 11:1 71:23 73:4 75:5 78:21
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<b>hopper</b>	73:21 74:7	104:11,21	46:9,16	<b>individual</b>
72:7	74:13,17,20	105:6	<b>Inasmuch</b>	41:12 54:7
<b>hotel</b>	74:24 75:4	<b>identific...</b>	36:19	92:15,18
11:16	78:24 79:16	91:16	<b>Inaudib</b>	<b>individuals</b>
<b>House</b>	79:18 81:8	<b>identify</b>	49:12	27:2 37:1
1:1 2:16,17	81:9,18,22	93:23	<b>inaudible</b>	54:4,10,13
2:21,21	87:22 88:3	<b>identifying</b>	3:14 6:23	91:11,18,22
3:16,17	88:5,9,12	103:8 104:17	25:22 27:4	91:24 93:9
17:5,7	102:14	<b>identity</b>	27:25 36:9	<b>Industry</b>
33:20,23	108:1	18:2 26:6,7	36:12,13,21	3:7
34:9 35:14	<b>hundreds</b>	54:12,20	39:25 41:7	<b>ineligible</b>
35:15,17,19	44:21 71:25	56:20 99:5	47:1 50:4	45:7
35:25 41:3	72:1 98:18	105:22	51:10 56:11	<b>inevitably</b>
41:20,24	<b>hunting</b>	<b>illegal</b>	60:15 64:16	95:9
42:2,5,19	56:14 84:25	67:21 68:19	76:14 77:6	<b>infected</b>
43:4 53:8,8	<b>H.E.B</b>	<b>illegally</b>	79:24 82:16	78:21
53:14,18,18	83:10	67:18	89:3 91:11	<b>information</b>
54:15 55:3		<b>illegible</b>	92:15 93:15	8:15 26:19
77:4 94:2	<b>I</b>	44:8	95:22	29:24 39:9
107:19	<b>idea</b>	<b>illustrated</b>	102:14	42:7,9,16
109:6	21:16 49:1	20:5	<b>incidence</b>	42:22 43:3
<b>households</b>	74:8 75:2	<b>imagine</b>	13:3 22:9	43:4,8,25
95:23	83:18	92:23 95:24	31:6	44:5,7
<b>Houston</b>	<b>identific...</b>	<b>immediate</b>	<b>incident</b>	47:21 51:23
95:25	3:20,21 4:8	36:17 40:20	4:15 22:15	52:4 85:19
<b>Howard</b>	5:9 7:17,22	83:15	<b>include</b>	86:19
1:13 109:3	12:15 14:14	<b>immediately</b>	102:10	<b>infringing</b>
110:6	20:10 28:19	36:17 37:9	<b>included</b>	83:15
<b>HP-1706</b>	28:20,21	40:21	56:9	<b>inhibits</b>
94:21	31:8 32:1	<b>impact</b>	<b>including</b>	101:19
<b>Hughes</b>	33:14,18,22	67:22	56:9	<b>initial</b>
7:3,5 10:13	54:5,17,18	<b>implement</b>	<b>incorporated</b>	38:17 39:10
10:15,21,25	54:25 55:1	106:13,15	91:10 103:10	47:23
11:4,7,12	55:4,6,7,10	<b>implemented</b>	<b>increase</b>	<b>initialing</b>
11:17 34:6	55:12,16,21	83:7 104:12	48:20,22	29:12
34:7,15,21	56:7,18,19	<b>implementing</b>	77:7,17	<b>Inn</b>
34:24 35:2	56:21,23,25	12:11	<b>incremental</b>	11:16
35:23 41:6	70:13 79:11	<b>importance</b>	18:4	<b>input</b>
45:14,15	79:15 90:10	97:25	<b>incur</b>	26:25
46:2 48:7,8	91:20 92:10	<b>important</b>	100:11	<b>inside</b>
48:14,21,25	92:12,12,16	4:19 19:8	<b>indicate</b>	46:4
49:3,18	92:22,23	21:16 42:19	26:20	<b>insight</b>
59:9,10,16	93:4 94:21	68:11 73:19	<b>indicating</b>	45:16
59:19 60:1	96:7 98:16	103:20	18:25 43:1	<b>instance</b>
60:6,10,12	100:11	107:9	<b>indicted</b>	20:23 22:18
65:17 72:19	103:2,4,6	<b>impossible</b>	32:4,5	<b>institution</b>
72:20 73:2	103:25	44:9	<b>indictments</b>	55:17
73:8,14,18	104:1,3,6,9	<b>inadverte...</b>	32:10	<b>instruct</b>



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43:6	<b>Item</b>	79:8 84:14	23:14,17,18	50:20 51:14
<b>insurance</b>	80:19		40:9 50:11	52:9 53:2
24:10	<b>I.D</b>	<b>J</b>	50:13,15	58:8 60:18
<b>integrity</b>	4:9 5:7,8,16	<b>JESSE</b>	89:7,10,12	61:11 62:17
67:14 70:20	5:17,18,21	36:1 41:5	89:13 90:11	65:3 67:9
107:9	6:10 9:13	<b>Jim</b>	90:14 91:3	67:20,22
<b>intent</b>	12:14,17	70:24	91:4	68:10,14
2:14 34:1,11	17:6,23,24	<b>job</b>	<b>Kerry</b>	70:3 71:23
34:20	18:3,16	3:3 15:9,23	78:12	71:25 72:4
<b>interest</b>	19:2 20:15	16:2 18:9	<b>key</b>	72:5 73:24
60:16	20:16 21:15	19:12 26:12	24:4 83:18	74:21 78:7
<b>interested</b>	22:25 23:23	27:14 30:6	<b>kind</b>	79:2,3,5,6
16:15 109:24	24:2,5 29:1	52:9,10	22:16 26:10	79:7,7,8
<b>interesting</b>	30:12 31:15	53:22	27:9 36:4	83:2 84:12
28:22 76:19	31:17,18,20	106:14	36:21,22	86:7,25
<b>interpret</b>	34:2,25	110:11	37:5 68:16	87:24 89:20
34:19	35:5 58:9	<b>joins</b>	70:6 73:22	90:21 91:14
<b>introduce</b>	61:24 62:1	107:1	76:10 84:10	91:18,22
33:7 39:15	62:15 63:20	<b>Jones</b>	85:18 86:13	92:5,22,25
50:12 61:19	63:24 65:22	35:20,21	86:24 91:19	96:14 98:10
63:1 67:1	67:9,10,11	36:1 37:19	95:3 96:3	100:5,6,23
76:24 82:3	67:11,25	40:19 41:2	97:16 99:23	101:14,25
89:10 91:7	69:24 70:2	41:5,15,16	<b>kinds</b>	105:8,12
<b>introduces</b>	70:16,18,22	50:14 70:24	18:9	106:25
97:21	71:8 72:22	<b>journey</b>	<b>knew</b>	<b>knowledge</b>
<b>invite</b>	72:25 73:6	3:13	4:10	79:4
2:10	74:1,16,19	<b>journeys</b>	<b>knock</b>	<b>known</b>
<b>involved</b>	75:1 76:1,9	3:24	86:17	88:23
4:1 32:2	77:21 78:3	<b>judge</b>	<b>know</b>	<b>KOLKHORS</b>
85:14,14,15	80:21 81:17	80:21	3:11,22 4:2	2:24
<b>Iraq</b>	82:17 83:10	<b>judges</b>	4:13 6:2,11	<b>Kolkhorst</b>
4:23	83:10,13,19	8:2	8:8,17 9:8	2:19,22 3:2
<b>issue</b>	83:21,23	<b>judgment</b>	11:1,6,10	3:5 6:20,21
17:6,7,8	84:4,4,9	98:18	11:16 13:16	6:25 24:1
20:4 21:15	87:2,7,8,16	<b>juggle</b>	13:19 14:3	35:16 59:2
63:8 66:3	89:16,22	98:24	14:16 15:11	61:22 79:13
68:11,17	90:1,15,17	<b>junior</b>	15:15 16:5	<b>Kolkhors's</b>
<b>issued</b>	90:18,20	84:25	16:13 18:12	25:13 58:6
55:7,15,16	92:17,18	<b>justifica...</b>	18:13 21:9	
55:19 56:7	95:17 97:25	99:18	21:16 26:11	<b>L</b>
56:10,13,15	98:19 99:9	<b>justified</b>	27:8,9	<b>lack</b>
56:18 74:15	105:13,20	51:15	30:15 32:4	44:6 99:18
75:13 84:8	105:21		32:7 34:1	<b>lady</b>
98:7	106:8	<b>K</b>	36:7 44:24	14:6
<b>issues</b>	<b>I.D.s</b>	<b>keep</b>	45:4,6,16	<b>laid</b>
82:10 96:21	13:5 18:10	44:11 46:15	45:24 46:5	44:20
<b>issuing</b>	21:5 57:25	63:10	46:8 47:12	<b>language</b>
59:12	59:12 78:3	<b>Ken</b>	49:4,18,22	18:2 20:12
	78:4,11			



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48:24	2:14,17	55:19 56:5	81:12,19	3:13 4:21
<b>large</b>	15:13 35:17	56:11,15,17	93:3 97:19	8:14 11:15
8:19 13:24	41:25 47:22	63:14 69:6	99:3 104:5	13:22 14:17
13:25 18:20	48:3 53:14	72:24 73:4	104:13,14	14:19 24:2
19:17	107:14,19	73:25 74:10	<b>listed</b>	57:14
106:15	<b>leaves</b>	75:12,17	36:10 41:22	<b>longer</b>
<b>larger</b>	54:3	84:3,8	63:15	38:10 96:10
8:6 13:14	<b>legal</b>	87:13 96:1	<b>lists</b>	<b>Longview</b>
49:4	35:10 93:20	97:19,23	27:10	11:15
<b>largest</b>	94:4,6	98:1,4,6,7	<b>literally</b>	<b>look</b>
91:15	<b>legislating</b>	98:12 100:7	16:4	16:4 67:12
<b>late</b>	71:19	101:1,3	<b>litigation</b>	80:18 92:10
41:19	<b>legislation</b>	102:11	78:8 96:17	<b>looked</b>
<b>lately</b>	20:18 49:7	104:16,18	<b>little</b>	12:16,17
49:21	57:16 67:6	<b>licensed</b>	3:15 10:2	<b>looking</b>
<b>laundry</b>	77:7,10	75:21	12:22 24:3	3:23 5:4,4
12:20	78:14,17	<b>licensee</b>	36:4,5,7,10	14:13 26:18
<b>law</b>	79:9	87:25	36:22 41:19	26:19
21:12 31:13	<b>legislative</b>	<b>licenses</b>	50:22 70:9	<b>looks</b>
31:18 34:10	34:19 61:3	57:25 74:21	83:7 84:13	80:23 93:7
36:15 37:13	<b>Legislature</b>	76:10 85:1	87:6,14	<b>loophole</b>
42:7,24	18:7	<b>lieu</b>	100:18	54:3
43:9 58:14	<b>legitimate</b>	85:17,24	107:15	<b>Lori</b>
59:22 63:6	9:20	<b>light</b>	<b>Little</b>	91:5,7,9,9
67:10 69:5	<b>letter</b>	39:18	7:7,9,10	<b>lot</b>
72:21,24	38:9 45:23	<b>likelihood</b>	10:19,23	5:14,14 9:20
73:12 80:17	47:20	97:21	11:3,6,9,13	9:21,23
81:11 94:18	<b>letters</b>	<b>limb</b>	11:20 13:6	14:23 15:2
97:6 103:10	38:6	21:10	13:13 19:7	16:1 44:19
106:18	<b>letting</b>	<b>limit</b>	88:18,20	45:7,9 46:9
<b>laws</b>	45:16	25:12 40:23	<b>live</b>	47:15 64:2
29:14 78:10	<b>let's</b>	<b>limited</b>	6:12 8:19	64:2 77:19
<b>lay</b>	11:9 34:9	42:13	45:5 89:16	81:1 87:17
2:15,21,21	63:9	<b>line</b>	95:22	91:17 98:22
2:22 3:16	<b>level</b>	14:7,17,19	<b>lives</b>	<b>low</b>
6:13 42:2,3	4:3 26:16,16	45:3	101:4	31:5
<b>laying</b>	27:11	<b>lines</b>	<b>living</b>	<b>lower</b>
3:14	<b>library</b>	8:14 13:22	87:9 95:25	57:20
<b>lays</b>	56:12,14	42:16 44:8	96:2	<b>luxuries</b>
35:19	84:21,23	45:3 96:10	<b>located</b>	15:3
<b>le</b>	105:8	<b>list</b>	55:17 56:14	<b>luxury</b>
49:13	<b>license</b>	12:16,20	<b>location</b>	14:24 15:1,1
<b>League</b>	7:23 9:8,12	20:24 26:23	31:7 69:17	15:4,19
36:5 37:14	12:19,19	27:4,5 44:3	<b>logical</b>	70:6
38:20	13:4 14:7,9	46:10,16	12:13	
<b>learned</b>	14:11 24:10	55:3 56:22	<b>Lois</b>	<b>M</b>
39:5	24:11 26:9	65:9,25	2:21	<b>machines</b>
<b>leave</b>	51:19 55:7	66:1 80:19	<b>long</b>	8:13 85:7



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<b>Madame</b> 6:23 107:17 <b>magnitude</b> 106:14 <b>mail</b> 22:24 46:4 46:12 51:10 55:25 58:17 83:20 85:22 85:23 86:14 86:16 89:25 90:8,9,12 90:23 95:19 96:24 97:5 97:15 103:3 103:24 104:20 106:4,5 <b>mailed</b> 43:14 45:23 106:8 <b>mailing</b> 45:4 83:3 <b>mails</b> 43:21 <b>mail-out</b> 44:21 <b>main</b> 7:15 43:18 44:19 <b>maintain</b> 29:22 <b>maintaining</b> 104:14 <b>major</b> 85:12 <b>majority</b> 18:15 46:7 66:14 <b>making</b> 10:2,7 19:12 42:19,22 51:21 52:10 61:23 103:21 <b>MALDEF</b> 94:5 98:20 100:22	<b>MALDEF's</b> 94:8 <b>man</b> 4:16 <b>manage</b> 8:11 <b>mandated</b> 57:16 91:10 <b>manner</b> 42:6 <b>MARCH</b> 1:4 109:8 <b>Margaret</b> 72:11,14,15 73:1,7,13 73:16 74:6 74:12,15,18 74:22 75:3 75:6,13,18 75:21,25 76:5,12,14 76:20 <b>margin</b> 19:18 <b>market</b> 85:18 <b>marriage</b> 56:4 <b>Marshall</b> 11:10 <b>Martinez</b> 79:21 <b>marvelous</b> 106:14 <b>Mary</b> 38:19 66:9 <b>massive</b> 107:2 <b>match</b> 97:23 98:3,4 98:10 <b>material</b> 96:11 <b>maximize</b> 107:7 <b>ma'am</b> 11:12,17 60:1	<b>McAfee</b> 32:21 33:2 40:12 51:1 93:16 <b>McGeehan</b> 30:14 33:4,8 33:8 34:13 34:17,22,25 35:4,7 62:17 102:20,24 102:24 103:14,18 103:22 105:4 <b>mean</b> 12:18 14:8 24:5,10 34:11,15,16 34:19 48:10 52:6 62:17 69:7 70:14 71:4,24 73:10 74:9 82:15 105:7 106:24 <b>meaning</b> 28:20 <b>means</b> 27:7 <b>measure</b> 61:9 <b>mechanism</b> 46:15 102:8 <b>media</b> 85:14,15 <b>Medicaid</b> 56:9 <b>Medicare</b> 56:10 <b>medium</b> 22:11 <b>meet</b> 95:17,21 <b>member</b> 16:14 58:13 <b>members</b> 6:19 19:24	23:10 24:23 25:23 27:12 29:25 33:6 36:2 37:20 39:11 41:15 41:23 42:12 44:13 50:7 50:25 52:20 53:6,9,23 58:12 61:16 66:22 68:4 72:17 81:6 91:2 93:13 94:2 95:22 102:16 104:24 105:4 107:21 <b>memorium</b> 69:18 <b>men</b> 5:2 <b>mention</b> 103:1 <b>mentioned</b> 10:17 19:10 51:16 58:8 95:15 96:5 99:12 <b>method</b> 92:13 <b>Mexican</b> 35:10 93:20 94:4 <b>middle</b> 3:14 45:6 47:23 <b>military</b> 55:10 <b>million</b> 57:21 74:19 74:22 75:12 75:22,23,24 76:1,3,6 <b>mind</b> 14:10 39:22 47:4 84:5 <b>minimal</b>	22:11 <b>minor</b> 37:12 <b>minority</b> 13:15 <b>minute</b> 77:15 <b>missed</b> 62:18 <b>mistake</b> 44:2 <b>mistakenly</b> 101:21 <b>Mister</b> 20:1 <b>misunders...</b> 82:13 <b>mitigate</b> 20:19 48:10 <b>modification</b> 80:17 <b>modifies</b> 55:3 <b>modify</b> 45:24 <b>Mom</b> 100:3 <b>moment</b> 21:18 53:13 99:24 <b>money</b> 44:24 59:23 83:5 97:10 97:11 <b>months</b> 40:22 <b>morning</b> 9:2 <b>mother</b> 100:2 <b>motivation</b> 66:17 <b>mouth</b> 86:20 <b>move</b> 23:5 <b>moved</b>
--	---	--	--	--



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85:7 98:5 98:12 <b>movement</b> 70:11 <b>movements</b> 105:25 <b>movie</b> 5:20	<b>neighborh...</b> 8:20 <b>neither</b> 109:20 <b>neutral</b> 27:23 28:1 33:5 39:14 48:2 53:5 61:18 72:13 80:2 102:22	<b>normally</b> 7:23 41:10 98:7 <b>Nos</b> 84:21 <b>notation</b> 45:1 104:5 <b>note</b> 57:21 59:11 93:18 <b>notes</b> 57:19 <b>notice</b> 36:12,16,17 38:4 41:9 57:18 82:23 83:3 <b>noticed</b> 13:11 <b>notices</b> 51:24 <b>notified</b> 37:9 58:18 58:19 <b>notify</b> 107:2 <b>notwithst...</b> 83:8 <b>November</b> 18:14 38:5 82:25 <b>nowadays</b> 24:6 <b>number</b> 4:2 5:22 7:15,19 10:5 18:9 18:20 22:10 28:19 36:14 41:3 43:11 53:8,18 86:4 87:4 104:16,17 104:18 <b>numbers</b> 29:2 <b>numerous</b> 58:16	<b>nursing</b> 89:19,21 <hr/> <b>O</b> <hr/> <b>obligation</b> 67:7,25 <b>obstacle</b> 13:1 <b>obstacles</b> 12:10 <b>obtain</b> 29:21 92:18 92:23 <b>obtaining</b> 56:8 <b>obvious</b> 60:2 <b>obviously</b> 4:1 5:13 6:5 70:21 <b>occasional</b> 22:13 71:22 <b>occasions</b> 7:20 <b>occurred</b> 13:11 95:4 <b>offended</b> 64:1 <b>offer</b> 6:2 <b>offering</b> 18:24 54:16 65:5,10 <b>offers</b> 35:23 <b>office</b> 18:8 19:11 26:12 27:1 27:5 33:5 33:10 34:11 39:13,14,17 41:21 42:15 43:16,23 44:15,18 53:3 66:25 67:5 80:12 84:1 95:20 102:21,25	105:8,9 109:11,18 <b>officer</b> 73:3 <b>official</b> 55:25 99:1 104:14 <b>officials</b> 97:22 <b>oh</b> 40:4 49:25 53:13 57:13 <b>okay</b> 11:20 16:15 16:23 22:4 22:7,14 23:7 25:14 25:17,21 26:18 46:2 47:3 48:5 48:21 50:24 60:10,11 62:10 68:12 73:2,13,14 73:16 74:7 74:17,20,24 75:24 76:7 76:7,12 79:5 81:22 82:24 88:5 88:9,22 93:15 103:14 104:6 106:1 <b>old</b> 45:18 85:10 <b>once</b> 15:16 25:8 36:6 37:1 100:9,13 104:12,13 104:15,18 <b>onerous</b> 12:22 78:4 <b>ones</b> 20:5 28:17 43:22 46:13 51:16
<hr/> <b>N</b> <hr/> <b>name</b> 4:10 7:10 20:24 23:18 28:3 43:16 44:10 45:6 46:23 50:15 55:24,25 56:6,13 60:22 63:2 65:9 84:22 87:10,12 89:13 104:4 <b>names</b> 72:2,4 <b>name's</b> 104:4 <b>natural</b> 85:18,25 <b>nature</b> 58:7 107:4 <b>necessarily</b> 102:10 <b>necessary</b> 64:12 <b>need</b> 8:1 15:5,8 15:14 20:15 25:15 44:10 51:17,19 71:7 87:13 100:6,15 <b>needed</b> 100:10 <b>needs</b> 43:11 75:1 80:15 99:15 <b>negative</b> 67:22	<b>never</b> 10:23 17:16 71:9 72:4 86:10 95:6 <b>new</b> 42:20 43:2,6 43:21 46:4 47:6,20 48:11 49:19 50:19 51:10 77:7 90:21 90:24 98:6 98:7,12 <b>news</b> 16:5 58:3 85:7 <b>newspaper</b> 9:1 15:13 <b>newspapers</b> 83:1 <b>nice</b> 3:3,3 <b>Nina</b> 35:9 93:19 94:3 <b>Nixon</b> 2:16,18 <b>Nixon's</b> 2:13 <b>nobody's</b> 86:17 <b>nonpartisan</b> 94:5 <b>non-drivers</b> 95:19 <b>non-photo</b> 54:18 55:1 55:21			



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78:20	overlooked	45:1	76:9	101:23
ongoing	106:5	party	people	102:18
59:24	over-esti...	23:15 24:17	4:24 6:5	PERALEZ
opportunity	86:3,4	32:19 40:10	7:16 9:9,17	100:19
12:23 26:6	o'clock	76:22 77:3	9:21,25,25	percent
41:11 61:6	8:19 9:6	89:14	10:3 12:4	17:13 19:21
77:22 93:11	15:20 16:5	pass	12:12,13	24:15 52:1
oppose	60:20	37:15 57:14	14:1,12,13	78:9,11,12
17:9 94:11		59:23 93:7	14:23,23	percentage
opposed	P	passed	15:2,7,11	75:20
7:14 8:3	pack	5:6	15:24 16:10	percentag...
18:16 23:20	67:12	passes	18:10 19:14	74:10
74:9 89:14	package	8:16,16	23:20,24	perception
opposite	36:11	59:22 63:6	24:15 30:23	83:15
23:25	paid	passport	32:4,13	perfectly
opposition	43:15	55:15	38:4,7	68:12
16:22 94:9	paper	passports	44:23,24	period
option	9:2 73:10	7:23	45:1 46:9	82:21,22
42:8 94:18	86:5	Paul	46:15 57:24	83:6 85:17
100:21	papers	39:13	58:11,17	85:25,25
order	56:3	Paula	59:5 62:14	87:1
2:2 7:17	paradoxical	7:7,9,10	64:3,13	permit
15:25 30:22	99:25	10:19,23	66:14 67:15	56:10
57:7 92:21	paragraph	11:3,6,9,13	67:16,19,21	person
92:23 98:3	29:9	11:20 13:6	68:18,22	8:18 13:1
101:12	parent	13:13 88:18	70:3,16,19	15:3 17:24
organization	96:4	88:20	70:24 72:1	24:8 33:21
10:9 80:12	parents	pay	76:3 77:8	36:12,15,24
94:5	100:1,14,25	57:3 59:14	77:14,17,18	41:10 54:24
original	Parks	59:23 60:15	78:6,10	55:15,25
56:4	56:15	98:11 101:3	81:2 83:1,2	56:11,15
outcome	part	paycheck	84:22,25	57:1,2,4
109:24	6:11 11:4	55:23	85:10,23	70:24 71:1
outlines	participate	paying	86:4,6,8,25	82:14 84:9
93:3	64:14	85:21	87:2,4	89:21 90:8
outrage	participa...	pays	89:19 95:5	92:17 94:16
66:6	100:12,13	95:23	96:22 99:4	95:1,6,7,25
outreach	107:7	peg	99:12,12	103:2,23
9:16 91:17	particular	22:8	100:9,13,14	personal
92:4	77:23,24	penalizes	100:23	55:7 56:25
outside	98:19	23:21	101:8,19	87:8 92:15
99:24	particularly	pending	102:2,9,10	92:23
outweighing	98:1	2:15,17	107:2,10	104:17
52:14	parties	35:17 41:25	people's	personally
overlapped	23:19 50:11	53:14 96:17	106:23	7:18 32:9
41:10	50:16 89:8	107:14,20	Perales	52:12
overlook	109:22	penetration	35:9 93:19	persons
106:7	parts	13:3 75:16	93:23 94:1	31:6 37:8
			94:3 101:17	



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94:15	8:20,25 13:1	73:3	20:18	39:2
<b>person's</b>	13:18 14:4	<b>political</b>	<b>Post</b>	<b>press</b>
3:20,22	15:11 30:21	23:18 50:15	43:23 95:20	86:3
55:11,12,13	54:13 69:21	<b>politics</b>	105:7	<b>pretty</b>
55:14,18	81:11 84:14	22:6	<b>postage</b>	12:13 18:8
56:4,6,13	86:11 87:24	<b>poll</b>	43:15	29:16,24
56:19,20	89:5 99:16	14:3 22:25	<b>posted</b>	78:5 87:15
77:25 84:22	104:9	23:2 53:25	9:3	<b>prevent</b>
<b>philosoph...</b>	105:20	60:4 69:17	<b>potential</b>	26:3 95:10
70:14	<b>places</b>	78:9 97:24	54:3	99:4,7
<b>phone</b>	8:8 9:23	98:2,14	<b>power</b>	<b>prevents</b>
43:13	11:11 13:15	99:18 103:8	86:3	58:11
<b>phonetic</b>	13:23 87:25	<b>polling</b>	<b>practical</b>	<b>previous</b>
32:22 38:19	<b>placing</b>	13:15,22	17:23 38:9	50:17
66:24 72:12	76:11	14:4 31:6	49:2	<b>previously</b>
<b>photo</b>	<b>plane</b>	54:13 69:21	<b>practice</b>	23:1
17:24 18:3	60:19 70:18	81:11 87:24	49:6 54:1	<b>pride</b>
54:17,25	<b>plans</b>	104:9	<b>precinct</b>	4:24 66:14
55:11 56:17	41:18	105:20	8:2 18:16	<b>primary</b>
63:20 65:20	<b>please</b>	<b>polls</b>	19:1 65:9	17:9
65:22 70:22	2:3 7:2 28:3	10:1 68:1	<b>precious</b>	<b>print</b>
75:1 77:21	40:24 45:25	77:9,15	5:25 58:24	48:18 85:14
79:11 82:17	46:5 50:12	78:3,11	59:2	<b>private</b>
83:12 84:9	60:21 65:3	87:19 89:21	<b>preemption</b>	55:17 106:25
84:15 91:16	67:1 76:24	90:5 93:5	96:21	<b>privilege</b>
97:25	100:4,24	94:13 96:10	<b>premature</b>	5:1,2,3
105:21	<b>pleased</b>	96:24 98:10	63:5	<b>probably</b>
106:8	19:19 37:16	98:17 99:21	<b>preoccupied</b>	7:11,25 10:5
<b>photograph</b>	57:19,24	101:13,20	73:19	29:24 38:6
3:20,22	<b>podium</b>	<b>poor</b>	<b>prescribed</b>	51:9 68:21
55:12,13,15	62:25	14:23 85:11	56:21	78:25 91:15
55:18 56:20	<b>point</b>	<b>pops</b>	<b>present</b>	102:21
<b>pick</b>	9:7 14:25	102:13	2:8 7:4 25:9	<b>problem</b>
41:12	15:1 17:20	<b>populace</b>	29:13,14	7:25 12:9
<b>picture</b>	26:14 33:11	85:20	30:11 53:24	14:22 32:7
5:7,8,16,17	33:23 38:8	<b>population</b>	54:13,17	47:1 48:10
5:18	60:7,9	75:20 86:10	57:5 65:4	50:17,23
<b>piece</b>	77:13 83:18	91:15	94:12 99:20	68:22
86:15,16	84:4,4,4	<b>portions</b>	103:4	<b>problematic</b>
98:25 102:1	87:16,17	38:2	<b>presentation</b>	42:18,18
<b>pieces</b>	103:20	<b>position</b>	55:10	<b>problems</b>
85:22 86:5	<b>pointed</b>	12:6 28:9,10	<b>presented</b>	8:9 15:6
87:7	35:3	39:6 69:21	43:16 54:21	52:8,14,15
<b>pilot</b>	<b>pointing</b>	<b>possibility</b>	<b>presenting</b>	61:10,11
87:12	34:9 48:9	83:4 97:11	21:10	77:19 89:24
<b>pilot's</b>	<b>points</b>	<b>possible</b>	<b>presents</b>	<b>procedure</b>
56:11 87:13	84:6	54:6	18:25	23:3 45:17
<b>place</b>	<b>police</b>	<b>possibly</b>	<b>president</b>	<b>proceeding</b>



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109:23	33:18 104:17	put	52:20 53:6	real
<b>process</b>	104:18	17:15 24:16	59:7 61:16	4:4 40:19
54:11 61:11	<b>provides</b>	26:5 36:22	62:21 64:18	66:18 71:12
67:17 71:10	54:24 55:5	40:23 45:1	66:21 68:3	89:24
100:12	55:20	45:3 46:5	68:5,9 72:9	<b>realize</b>
<b>produce</b>	<b>providing</b>	46:10,16	72:16,18	17:25
94:20 96:25	18:9 54:16	51:22 57:17	76:18 78:18	<b>realized</b>
97:3,5,6,16	<b>provision</b>	57:21,22	78:22 80:3	92:11
97:19 101:1	92:9 106:6	72:2,5	80:4,5 81:7	<b>really</b>
104:21	<b>provisional</b>	74:14 92:6	81:25 91:2	17:23 18:1
<b>program</b>	18:13,14,18	106:22	93:12	19:7,8,12
72:6 106:12	18:21 19:23	<b>putting</b>	102:16	21:15 31:16
106:13	28:16 29:15	16:7 22:10	104:25	33:12 40:22
<b>prohibits</b>	29:22 31:20	52:4	107:21,23	49:15 50:17
56:24	33:15,19,24	<b>p.m</b>	<b>quick</b>	60:24 64:1
<b>proof</b>	34:12,22	77:20	42:5 71:12	64:13 71:4
26:5 29:13	55:2 62:14		91:13	71:4,20
29:14,15	63:17 72:1	<b>Q</b>	<b>quite</b>	78:2,5 81:2
54:21 64:9	72:6 80:14	<b>qualified</b>	18:11 20:20	84:17 91:12
66:11 98:15	80:18 81:1	26:18,20,21	26:8 76:19	97:10 99:23
103:4,24	81:14,15,20	77:11	79:10 85:12	99:24 100:8
105:22,24	87:19	<b>quantify</b>	100:4	103:16
<b>proper</b>	<b>provision...</b>	71:20	<b>Quorum</b>	107:1,5
70:13	31:15 33:22	<b>question</b>	2:8	<b>realm</b>
<b>properly</b>	34:3 105:13	10:14,22,22	<b>R</b>	70:14
8:15	<b>provisions</b>	29:18 30:1	<b>radio</b>	<b>reason</b>
<b>pros</b>	54:22	33:12 37:6	85:13	5:24 16:4
47:14	<b>public</b>	48:16 62:7	<b>raise</b>	17:9,17
<b>prospective</b>	13:20 55:8	63:9 64:25	33:25 34:16	19:3 22:20
76:11	55:16 56:8	66:16 73:18	<b>raised</b>	37:4 43:18
<b>protected</b>	56:13 72:13	75:8 78:25	34:14	44:19 96:17
58:24	77:8 78:7	82:13 84:19	<b>raises</b>	<b>reasonable</b>
<b>protects</b>	80:1 95:25	85:3,16	66:3	30:21 36:23
94:6	100:21,22	92:16,25	<b>rampant</b>	37:12
<b>prove</b>	101:7,24	99:23	9:22,24 10:6	<b>reasonably</b>
5:23 6:7	106:21	105:15	<b>rare</b>	22:24
63:21 65:24	107:2	<b>questions</b>	47:13	<b>reasons</b>
66:5,17	<b>punitive</b>	6:19 10:12	<b>Rasmussen</b>	7:15 8:3
71:9 99:9	21:7	16:16 19:25	78:8	17:14 36:14
<b>proven</b>	<b>purchase</b>	23:9 24:22	<b>rate</b>	51:15
42:18	92:20	24:24 27:13	13:3 76:9	<b>recall</b>
<b>provide</b>	<b>purged</b>	33:7 34:4	<b>read</b>	12:20
7:16 8:10,15	36:15,24	37:17,20	9:1 20:9,11	<b>receive</b>
26:7 36:11	38:5	38:12 39:11	30:15 35:11	54:2,8 92:3
43:1,10	<b>purpose</b>	39:20 41:15	42:15 45:8	92:15
79:14 80:20	32:5 56:8	41:22 44:13	46:8 77:5	<b>received</b>
103:24,25	<b>purposes</b>	46:17 48:6	83:1	45:24 64:21
<b>provided</b>	55:4	50:7,25		97:12



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<b>receiving</b> 44:2	<b>regarding</b> 72:22	44:11,20 45:25 49:10	22:1 109:21	29:5 30:2,3
<b>recognize</b> 10:14 32:21 41:2,20 42:3 53:7 53:12,16 102:16 105:1	<b>Regional</b> 94:3	49:19,23 50:2 53:25 54:8,9,14 54:19 57:5 57:6,7 63:10,12,16 63:23 64:6 64:7 65:5 65:13,16 66:15 67:5 69:14 70:21 70:23 83:19 84:5,24 87:17 89:15 89:18,23 90:14,16,19 94:13,16,19 94:23 95:1 95:7,13 98:21,23 99:10 100:16 101:11,15 101:21 103:7 104:1 104:13 105:7,9 110:7	<b>relating</b> 54:22 <b>rely</b> 98:20 99:19 106:10 <b>remember</b> 40:20 62:12 85:6 88:12 95:19 99:25 105:16 <b>remote</b> 22:11 <b>remove</b> 94:11 95:11 <b>removed</b> 38:3 39:5 <b>removes</b> 56:17 <b>rent</b> 5:20 <b>repeat</b> 71:12 73:18 103:12 <b>report</b> 53:9 94:25 <b>reporter</b> 52:11 109:4 <b>reports</b> 85:8 <b>represent</b> 7:12 40:13 89:13 <b>Represent...</b> 2:7,13,19,22 2:24 3:2,5 6:19,21,25 7:3,5 10:15 10:21,25 11:4,7,12 11:17,21,23 13:12 16:13 20:1,2,14 21:3,13,17 21:21,24 22:4,7,14 23:7,25 25:10,13	30:19 31:2 31:24 32:11 32:15,24 34:1,5,7,15 34:21,24 35:2,16,20 35:21,23 36:1 37:19 39:24 41:2 41:5,6,15 41:16 42:3 45:14,15 46:2 47:9 48:6,8,14 48:21,25 49:3,12,18 50:14 53:17 58:6 59:1,8 59:10,16,19 60:1,6,10 60:12,18 62:6,9,10 62:20 64:15 64:18,20 65:8,17,19 66:2,7 68:5 68:6,7,13 68:16,25 69:3,10,16 69:20 70:4 71:3,11,18 72:18,20 73:2,8,14 73:17,21 74:7,13,17 74:20,24 75:4,7,9,15 75:19,23 76:2,7,13 76:15 78:24 79:12,12,16 79:18,23 80:11 81:7 81:9,18,22 82:11 87:22 88:3,5,9,12 102:14 108:1
<b>recognizes</b> 32:18 34:5 45:13 51:1 51:4 62:8 68:5 88:17	<b>register</b> 12:23 24:6 47:2 54:5 58:9,10 64:3 71:8 83:20 90:17 93:4 99:11			
<b>recollect</b> 50:21	<b>registered</b> 19:1 26:13 27:3 42:8 54:2 57:5 72:3,4 77:9 77:11 80:20 83:3,24 96:24 104:5 104:15			
<b>recommend</b> 84:7	<b>registering</b> 58:11 64:4 104:20 105:23,24			
<b>recommend...</b> 26:21 27:8	<b>registers</b> 103:3,23			
<b>recommend...</b> 91:1	<b>registrant</b> 96:23 97:4			
<b>record</b> 7:3 16:21 19:15 28:3 35:12 47:22 51:19 52:12 52:25 89:5	<b>registrants</b> 97:15 99:9			
<b>records</b> 42:24 48:12 51:18 56:5 88:24	<b>registrar</b> 42:11,23 43:14,21,23 83:25 90:16 105:10	<b>regular</b> 53:23 54:2 81:14 86:12 86:14		
<b>recovering</b> 78:19	<b>registrar's</b> 42:15 43:10	<b>regulation</b> 96:20		
<b>recurring</b> 59:24	<b>registration</b> 7:20 9:7 14:8 15:22 17:11,14,21 20:8 22:23 24:7,8 28:12 30:11 37:11 39:18 42:7,9,10 42:21,25 43:2,3,7,21	<b>Reilly</b> 32:18 76:22 77:1,3 79:6 79:17		
<b>redundant</b> 60:23 61:21		<b>reiterate</b> 92:7		
<b>reference</b> 33:21,24		<b>reject</b> 98:2		
<b>referring</b> 28:14		<b>rejected</b> 28:18,18,19 29:20,23		
<b>refuse</b> 19:4 97:22		<b>related</b>		
<b>refused</b> 18:15				
<b>regard</b> 86:3				



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<b>REPRESENT...</b>	95:18,21	<b>returning</b>	102:5	29:8 30:18
1:1 109:7	99:17,17	42:11	103:22	38:1
<b>representing</b>	104:8	<b>re-layout</b>	<b>rights</b>	<b>saying</b>
7:7,10 16:18	105:17	41:20	94:6,7	5:7,7 29:1
25:2 27:16	<b>requires</b>	<b>re-spelling</b>	<b>risk</b>	45:23 49:23
27:20 28:6	20:8 36:16	45:6	36:8 47:22	52:12 84:2
28:10 32:22	42:25 54:23	<b>Rhonda</b>	47:24	<b>says</b>
37:22 40:16	57:4 93:4	1:13 109:3	<b>role</b>	21:2 24:1
47:7 51:2,5	97:3,6 99:8	110:6	2:3 37:3,3	33:21 36:11
61:2,18	103:22	<b>rich</b>	<b>rolls</b>	49:10 65:4
72:12 88:18	<b>requiring</b>	85:10	67:15 70:20	80:23
91:15 93:16	7:16 19:21	<b>ride</b>	98:5	104:13
<b>Reps</b>	24:12,13	89:21	<b>room</b>	<b>school</b>
103:14	31:17 78:2	<b>rider</b>	26:1 30:17	22:19
<b>Republican</b>	79:8	57:18,22	<b>roster</b>	<b>se</b>
32:19 61:2	<b>research</b>	<b>riders</b>	21:1	18:4 23:2
76:22 77:3	78:9	3:14	<b>rule</b>	47:19
<b>request</b>	<b>resource</b>	<b>riding</b>	20:15 35:1	<b>second</b>
109:9	33:6 41:22	9:11	90:24	96:12
<b>require</b>	53:4 80:2	<b>right</b>	<b>rules</b>	<b>Secretary</b>
5:23 17:22	<b>resources</b>	4:20 6:1 7:5	16:1,3 33:17	18:8 19:11
18:5 42:20	8:10	9:19 12:5	87:15	26:11 27:1
57:11 72:24	<b>respectfully</b>	19:7 21:13	<b>run</b>	27:5 30:15
78:10 79:10	100:19	24:9,18	97:9	33:4,9,17
97:3 99:15	<b>respond</b>	25:12 26:8	<b>rural</b>	34:10 41:21
105:19,21	37:16	26:12 29:11	95:22	43:15 53:3
105:21,23	<b>response</b>	29:14 30:17	<b>S</b>	56:22 78:25
106:8	29:5	31:10,12,17		102:20,25
<b>required</b>	<b>responses</b>	32:11 33:16	<b>sacred</b>	<b>section</b>
30:12 31:17	87:21	34:5,21,24	70:15	20:7,18 29:6
38:4 43:10	<b>rest</b>	35:2 49:11	<b>sad</b>	30:9,9,12
53:24 54:4	44:4	51:13 58:24	24:14	31:9 65:1
57:3 73:6	<b>rested</b>	59:2,4,17	<b>safeguard</b>	<b>sector</b>
74:3 80:15	61:22	60:4,10,12	107:9	106:25
87:1 90:10	<b>result</b>	62:4 65:7	<b>safeguards</b>	<b>Security</b>
96:25 103:4	46:9 69:4	66:20 67:8	64:12	104:16
104:6 105:6	<b>resulted</b>	67:8 68:23	<b>safety</b>	<b>see</b>
106:17,20	45:23	68:24 69:2	46:15 55:8	6:24 11:9
<b>requirement</b>	<b>results</b>	69:7,11,15	72:13 80:1	13:22,23,23
17:10 30:21	18:20	69:19 70:6	<b>sake</b>	20:17 24:20
82:19,25	<b>retired</b>	70:11,12	51:20	28:22 31:22
103:2,10	11:1 32:23	71:10 73:7	<b>Sam's</b>	39:23 41:3
104:11,19	40:13	76:17,20	84:15,16,17	51:23 52:14
104:23	<b>return</b>	77:11,24	<b>sat</b>	53:18 57:20
106:1	43:24 44:4	81:21 87:20	3:6	66:19 87:2
<b>requirements</b>	96:11	88:14 90:18	<b>satisfy</b>	90:17 92:11
78:16 92:6	<b>returned</b>	96:18,21,22	31:9	<b>seeing</b>
92:10 93:9	43:23 46:12	100:20	<b>saw</b>	4:22 85:23



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<b>seeking</b>	61:20 62:2	100:24 102:8	<b>situations</b>	60:4 71:19
12:7	62:16	<b>sic</b>	70:9	<b>sought</b>
<b>seen</b>	<b>Sherbet</b>	38:2 48:19	<b>size</b>	90:18
9:23,24	27:19,21,24	<b>sign</b>	48:23	<b>sounded</b>
29:20 49:21	28:4,4,7	8:23 19:4	<b>Skipper</b>	73:19
89:25 90:20	30:25 31:10	58:13 81:13	61:2,5	<b>source</b>
<b>Senate</b>	32:3,12	81:19 82:15	<b>sky</b>	7:17 27:9
57:10 96:18	40:15,18	83:25	85:8	<b>space</b>
<b>send</b>	51:4,6,8	<b>signature</b>	<b>sleep</b>	21:1 42:9,13
51:24 83:21	61:17,20	5:19 58:13	16:8	43:1 44:6
83:21 86:5	62:11	<b>signed</b>	<b>Slight</b>	47:16 48:20
90:10,23	<b>shoot</b>	4:10 29:10	41:17	48:23 49:9
93:2,6,10	84:12	<b>significant</b>	<b>small</b>	<b>speak</b>
<b>sending</b>	<b>short</b>	29:3 86:10	28:18 42:9	27:7 52:25
38:9 52:5	17:24 83:3	87:4	44:25 47:21	<b>speaking</b>
<b>sends</b>	<b>Shorthand</b>	<b>significa...</b>	47:24	28:8 101:18
47:20 90:9	109:3	18:20	<b>smaller</b>	<b>special</b>
<b>sense</b>	<b>show</b>	<b>similar</b>	48:19	102:4
70:20	4:9 7:3 24:2	5:5 36:4	<b>sobering</b>	<b>specific</b>
<b>sent</b>	24:3,5 26:5	58:7 60:18	4:22	23:4
6:10	42:11 54:4	60:23,25	<b>Social</b>	<b>specifically</b>
<b>separate</b>	54:25 58:9	68:15	104:16	27:7 87:14
44:12 104:7	58:15,17,23	<b>similarly</b>	<b>solutions</b>	<b>spectrums</b>
<b>September</b>	61:23 66:8	84:24 95:19	36:9	78:8
5:14	67:11 69:6	<b>simple</b>	<b>solve</b>	<b>speed</b>
<b>serious</b>	73:5,10	3:17 58:10	47:2	36:20
68:21,21	77:8 83:10	78:5	<b>somebody</b>	<b>spent</b>
<b>service</b>	83:10,11,12	<b>simply</b>	4:17 19:3	8:6
106:21 107:3	83:23,24	41:5 43:4	33:14 65:3	<b>spill</b>
<b>SERVICES</b>	84:1 88:11	59:4 101:14	95:6,23	50:19
110:7	90:1,1,19	<b>single</b>	96:14 99:7	<b>Spinks</b>
<b>session</b>	92:24 100:7	32:4 83:3	99:10	72:11,14,15
20:20 90:25	104:3	93:4	<b>somebody's</b>	72:20 73:1
<b>set</b>	105:19,22	<b>sinister</b>	90:19	73:7,13,16
47:23 77:7	105:24	73:22	<b>someplace</b>	74:6,12,15
85:11	<b>showed</b>	<b>sir</b>	8:25	74:18,22
<b>settings</b>	70:17	8:8 25:4	<b>soon</b>	75:3,6,13
95:5	<b>showing</b>	79:19 85:4	15:18	75:18,21,25
<b>sex</b>	5:16,17,18	90:11	<b>sophomore</b>	76:5,12,14
56:6	5:21 7:21	<b>site</b>	3:8	76:20
<b>shaking</b>	59:4 62:1	23:2	<b>sorry</b>	<b>spirit</b>
30:16	70:1 77:14	<b>sites</b>	53:13 62:9	107:3
<b>shared</b>	77:20 104:8	22:25	79:22	<b>sponsor</b>
26:17	<b>shown</b>	<b>sitting</b>	102:17	34:18
<b>sheet</b>	40:6	47:13	103:18	<b>spot</b>
36:7	<b>shows</b>	<b>situation</b>	105:16	74:14
<b>SHERBERT</b>	55:24 78:9	65:2 67:10	<b>sort</b>	<b>stack</b>
	<b>shut</b>	70:3	12:14 22:16	46:14



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<b>stacks</b> 45:10	105:23,25	<b>struggling</b> 68:17 71:5	<b>sufficient</b> 98:21	66:6,10,22
<b>staffers</b> 6:14	<b>statewide</b> 26:13,17,25	71:13	<b>suggest</b> 22:18 82:20	<b>swearing</b> 64:5
<b>standard</b> 20:6 77:7	27:10	<b>student</b> 55:16	86:21	<b>swiped</b> 5:19
<b>standards</b> 5:25 54:12	104:12	<b>studied</b> 12:16 20:20	<b>Suite</b> 110:8	<b>sympathetic</b> 71:4
<b>start</b> 45:9	106:12	<b>studies</b> 22:3	<b>support</b> 26:2 38:11	<b>system</b> 13:20 22:24
<b>started</b> 18:12 100:13	18:8 19:11	<b>study</b> 28:22	61:8 78:7	37:6 45:9
<b>starting</b> 82:24	26:12 27:1	<b>stuff</b> 90:21	78:10,17	97:14,17
<b>state</b> 4:3,3 8:4,12	27:5 33:4,9	<b>Sub</b> 20:10,11,18	<b>supported</b> 78:13	106:16
9:9,13,17	34:10 41:21	30:9,12,12	<b>supporters</b> 78:12,13	<b>systems</b> 97:13
10:8 12:14	43:16 53:3	31:9 65:1	<b>supports</b> 100:22	<hr/>
12:15 13:5	102:20,25	<b>subcommittee</b> 1:3 2:1 3:15	<b>suppose</b> 83:4	<b>T</b> <hr/>
13:14,20	<b>state-issued</b> 57:25	7:1 94:2	<b>supposed</b> 67:10 88:11	<b>take</b> 9:1 13:17
24:14 26:14	<b>stating</b> 57:2 65:12	98:20	<b>sure</b> 9:17 15:7	15:13 19:20
26:16 27:1	<b>stations</b> 63:7 85:13	107:24	18:5 19:12	34:11 37:2
28:2,23	<b>statutory</b> 54:11	109:8	22:20 26:15	37:13 52:3
30:15 32:9	<b>stay</b> 6:14	<b>submit</b> 42:20 43:6	34:8 48:17	58:25 64:7
33:17 56:14	<b>stayed</b> 11:15	54:7 57:7	50:1 52:19	66:14 68:15
56:18,22	<b>step</b> 18:4 52:4	103:6	58:22 61:23	83:7 87:3
59:12,13	<b>steps</b> 96:6	<b>submitted</b> 109:16	73:11 77:10	88:7 91:18
60:22 66:12	<b>stir</b> 84:13	<b>submitting</b> 43:2 103:25	79:17 81:10	91:20,25
67:10 72:21	<b>stood</b> 14:16	<b>Subsection</b> 20:7	84:20,24	92:1 96:5
74:1 75:20	<b>stop</b> 48:15	<b>substance</b> 30:20	97:10	105:9
79:1 93:4	<b>stops</b> 73:3	<b>substantial</b> 94:15	<b>SUSIE</b> 66:1	<b>taken</b> 4:24 37:3
103:10,23	<b>strange</b> 13:24	<b>substitute</b> 35:22,24,24	<b>suspect</b> 40:14	41:9 60:17
104:12,14	<b>strata</b> 17:18	38:1,3	<b>suspense</b> 44:3 46:10	78:9 98:13
104:15,19	<b>street</b> 70:25 73:3	39:19,23	46:16	109:23
107:1,3	109:10,18	40:17 106:3	<b>Suzy</b> 16:18,20	<b>takes</b> 57:14 95:25
109:2,4	<b>strict</b> 93:8,8	<b>successful</b> 107:8	40:2,5	<b>talk</b> 18:1 41:6
<b>stated</b> 83:17 92:7	<b>strike</b> 50:21	<b>successfully</b> 85:12	46:21,23,23	86:22
<b>statement</b> 55:22 97:1		<b>suddenly</b> 69:12,22	47:4,5	<b>talked</b> 79:1 86:8
<b>statements</b> 106:23			62:23,25	<b>talking</b> 24:14 90:1
<b>states</b> 5:5 6:1			63:2,2,22	<b>talks</b> 4:21
15:10 32:9			63:25 65:15	<b>task</b> 98:17
57:16 59:23			65:22 66:5	<b>tax</b> 39:14,17
79:3,8,10				
105:17,19				



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44:15,18 60:4 66:24 67:4 <b>teaching</b> 22:5 <b>technicality</b> 69:5 <b>telephone</b> 43:10 <b>television</b> 16:5 85:15 <b>tell</b> 3:23 8:24 32:3 39:15 40:23 43:24 45:25 50:13 60:22 63:1 63:25 67:2 76:25 80:8 82:5 89:11 91:8 93:24 96:15 101:15 <b>telling</b> 14:16 63:13 67:24 <b>temporary</b> 44:25 46:11 56:10,12 <b>tend</b> 13:17 <b>tens</b> 18:18 <b>terms</b> 12:22 19:8 22:25 26:23 31:25 36:5 36:23 <b>terrific</b> 27:14 38:17 53:22 93:25 107:25 <b>test</b> 4:7 21:18 <b>testified</b> 88:20 <b>testify</b> 16:19,21,25	23:14,15 25:2 27:17 32:20 33:3 35:9,13 38:21 39:25 40:8,11 41:1 44:15 46:21 47:7 51:3 76:23 80:3 88:23 89:2,5 91:6 93:21 <b>testifying</b> 7:8 17:4 71:21 <b>testimony</b> 10:16 11:25 12:21 23:8 24:25 25:9 25:12 30:8 30:20 31:4 32:16 50:8 60:17 64:22 66:22 68:15 71:14 75:11 76:19 77:5 77:16 93:14 102:22 <b>Texarkana</b> 11:14 <b>Texas</b> 1:1 4:4 7:7 7:11 8:5,8 10:17,18 11:8 23:14 23:19 27:16 32:19 38:23 39:2 40:3 40:10 41:7 46:21 50:11 50:11,16 52:23 55:18 61:2,7 62:24 63:4 72:12,23 73:25 76:3 76:22 77:4 79:22,25 80:1,6,9	88:18 89:8 89:14 93:7 96:20 97:3 97:8,8,12 102:25 109:2,4,6 109:11,19 110:6,8 <b>thank</b> 2:24 3:9,12 6:21,25 10:11,15 11:18,20,23 11:24 16:16 19:24 20:2 23:7,10,12 23:17 24:24 27:14,21 28:5 30:3 32:15,17 34:7 35:6,7 36:1 37:18 38:17 39:10 40:18,19 41:13,14,16 46:18 47:3 47:5 48:8 50:6,7,14 50:25 51:6 52:19,21 53:20,22 61:14,16 62:4,20,22 66:22 72:10 75:9 76:18 77:1 79:18 79:20 80:4 80:5 81:22 81:25 87:20 88:13,14,16 89:12 91:1 91:3,4 93:11,13 94:1 99:21 100:25 102:18 104:25 105:3,4 107:16,17	108:1 <b>thanks</b> 45:15 59:19 73:15 79:16 <b>thing</b> 4:19 28:14 44:11 45:3 57:11 58:2 61:12 66:13 73:9 90:3,5 <b>things</b> 3:25 4:18 5:11,15,22 10:5 12:1,8 13:9,11,16 15:24 16:12 22:17 24:13 26:10 29:4 47:15 58:5 58:15 63:15 64:5 68:8 86:8 99:2 106:22 <b>think</b> 4:15,18 5:5 5:19,24 10:3,9,10 13:9,16 14:22 15:23 18:7 21:16 22:24 24:12 24:17 25:23 25:25 26:2 28:13,22,24 29:2,3,19 29:23 37:4 37:11 39:13 40:2 41:12 45:8 46:8 46:10,14 47:25 48:1 49:9 51:23 52:13 58:5 59:4,11 63:5 64:12 64:17,20,22 64:23 66:13 66:13,18 67:6,7,14	67:17,24 68:17,17 70:2,10,19 70:20 73:8 73:9 82:12 82:12,18 83:17 84:10 84:13,22 85:17,17,24 86:2,4,9 87:5,5,13 87:16 90:2 90:6 101:9 101:19 102:8 105:17 106:4,10 107:5,8 <b>thinking</b> 26:11 99:24 100:9 <b>thinks</b> 86:15 <b>thought</b> 12:21 14:10 29:6 37:7 59:20 <b>thoughts</b> 48:9 84:14 <b>thousands</b> 18:18 38:6 44:21 70:23 <b>three</b> 8:16 94:21 95:9 96:13 96:15,19 97:2 99:11 99:11,12 <b>throw</b> 48:3 <b>throwing</b> 100:17 <b>time</b> 2:20 3:16 8:6,22 9:1 9:3,21 10:11 12:4 14:17,25
---	---	--	---	--



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24:2 26:15 32:6,6 36:18,23 40:23 41:10 58:19 60:17 60:20 63:11 67:17 68:11 69:17 82:22 82:24 83:6 89:18 90:8 90:12,15 96:12 99:9 103:3,13,24 107:15,16 <b>timeframe</b> 37:9 <b>timely</b> 36:11,16 <b>times</b> 11:14 16:11 46:9 63:11 67:11 70:2 77:23 99:11 <b>tiny</b> 42:17 44:8 49:20,23 <b>today</b> 2:14 3:16 6:12,24 10:16 29:6 52:12 61:7 78:20 94:8 99:10 103:2 <b>told</b> 15:4 40:21 91:25 92:1 <b>tomorrow</b> 93:2,6 <b>top</b> 36:8 <b>total</b> 75:16,16,18 75:20,21 <b>totally</b> 62:18 <b>tough</b> 71:22 <b>tougher</b>	86:24 <b>town</b> 90:23 <b>track</b> 78:17 <b>train</b> 23:22,23 <b>training</b> 8:1 24:19 <b>transaction</b> 6:6 <b>transcribed</b> 1:13 109:9 109:13 <b>transcript</b> 109:16 <b>transcripts</b> 92:11 <b>transparent</b> 31:13 <b>transport...</b> 13:20 96:1 <b>travel</b> 70:1,12,15 <b>traveling</b> 70:5 75:2 <b>TRAVIS</b> 109:1 <b>trend</b> 79:5,7 <b>tried</b> 6:8 <b>try</b> 6:15 45:18 49:7 91:17 107:6 <b>trying</b> 12:1,25 13:9 23:22 26:19 45:8,22 46:1,6 47:1 47:2 52:15 52:16 61:12 76:8 79:13 91:19 <b>turnout</b> 18:22 107:7 <b>turnouts</b>	19:15 <b>turns</b> 36:6 <b>two</b> 3:18,18,20 5:8 17:22 20:10 37:14 44:8 48:11 54:18,25 55:9 57:15 63:6 67:18 78:3 79:14 82:18 83:12 83:13 87:7 89:16 97:3 97:5,13,19 105:23 <b>Tyler</b> 11:14 <b>type</b> 9:16 57:15 78:8 92:17 <b>T.V</b> 83:2 85:23 <hr/> <b>U</b> <hr/> <b>U</b> 11:4 <b>Uh-huh</b> 13:12 21:3 69:9,15 71:17 101:17 <b>unable</b> 57:3 59:14 69:3,12,13 <b>unaware</b> 102:11 106:19 <b>undeliver...</b> 44:22 <b>UNIDENTIFIED</b> 32:24 39:24 47:9 49:12 64:15 79:23 <b>understand</b> 11:18 12:3,6 12:9,25	34:8 35:22 59:11 74:4 80:16 81:10 82:17 109:14 <b>understan...</b> 12:15 38:10 52:8 64:4 65:1 <b>unfortuna...</b> 9:17,25 16:10 <b>United</b> 6:1 <b>universe</b> 107:22 <b>unlegible</b> 45:8 <b>Unlocking</b> 25:2 89:1 <b>unmarried</b> 95:25 <b>unnecessary</b> 94:24 <b>unofficial</b> 99:1 <b>unreadable</b> 48:19 <b>unreasonable</b> 13:1 <b>unscrupulous</b> 54:7 <b>unwielding</b> 98:16 <b>update</b> 42:6 43:11 51:18,19 <b>updated</b> 42:24 43:20 44:5 <b>updates</b> 42:19 <b>urban</b> 95:22 <b>urge</b> 101:6,24 <b>urges</b> 98:20	<b>use</b> 5:17 17:21 18:10 21:4 44:10 47:23 84:7,15,15 84:17 102:11 <b>usually</b> 46:3 <b>usurped</b> 107:11 <b>utility</b> 55:22 87:10 92:1 96:2 96:25 106:23 <b>U.S</b> 55:10,13,15 56:3 57:10 69:8 70:7,8 70:12 96:18 <b>U.T</b> 11:2 <hr/> <b>V</b> <hr/> <b>valid</b> 55:12 57:5 63:15,22 64:21 90:10 <b>Valley</b> 8:7 <b>valuable</b> 71:14 <b>Vanhoose</b> 91:5,9,9 <b>various</b> 45:1 99:1 <b>verification</b> 1:3 2:2 3:15 94:3 107:24 109:8 <b>verified</b> 54:20 <b>verify</b> 18:2 54:12 81:12 <b>verifying</b> 27:9 104:15
---	---	---	---	--



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104:19	62:14 63:11	42:7, 10, 14	29:20 30:22	89:17 91:25
<b>versus</b>	63:16 64:3	42:20, 22, 23	36:6, 8	94:6, 14, 22
71:18	64:5, 8 65:6	42:25 43:2	37:15 38:20	96:7, 12
<b>Veterans</b>	65:10 67:8	43:6, 6, 11	42:8, 20	99:5, 6, 8
56:9	67:9, 20, 20	43:20, 21, 25	51:12 52:10	106:3, 4
<b>Video</b>	67:21 69:12	43:25 44:2	53:24 54:2	
5:21	71:1, 8 72:4	44:10, 20	67:7, 24	<b>W</b>
<b>views</b>	76:9 77:12	45:25 47:20	76:11 77:9	<b>waived</b>
88:23 89:5	77:18, 18, 25	49:9, 23	77:11 78:1	57:8
<b>violate</b>	81:2, 13	51:10, 12, 21	80:20 92:5	<b>waiving</b>
96:13	82:14, 16, 23	52:3, 5, 15	94:12 95:13	60:3
<b>violation</b>	86:15 87:3	52:15 53:25	95:15, 16	<b>walk</b>
97:7	89:1, 19	54:8, 9, 14	96:5, 7, 9, 10	84:1 102:5
<b>virtually</b>	90:4, 5, 8, 9	54:16, 21, 23	97:13, 14, 18	<b>walking</b>
44:9 78:1	91:20 92:2	55:24 57:5	97:22 98:2	14:15
<b>voice</b>	93:5, 9	63:12, 16	99:17, 19	<b>Wallace</b>
78:19	94:16, 25	64:6, 7 65:4	101:10	61:2, 5
<b>voices</b>	95:5, 6, 14	65:5, 9, 11	104:5, 15, 20	<b>wallet</b>
85:18	96:14 100:4	65:12, 16	105:12, 19	102:3, 8
<b>volume</b>	101:5, 8, 12	66:11, 14	105:21, 23	<b>want</b>
47:17	102:7 103:3	67:15 69:13	106:16, 18	2:9 4:25
<b>volunteer</b>	103:23	70:21 80:19	109:8	5:11 15:17
83:25	104:3	80:21 83:4	<b>voter's</b>	15:17 17:5
<b>volunteers</b>	105:13, 23	83:6, 19	17:10 20:8	17:20 18:1
98:15	105:24	84:24 86:12	29:10 37:10	24:15 26:2
<b>vote</b>	106:20	86:14, 18	42:23 44:7	40:5, 19
4:5, 16, 20, 25	107:10, 11	89:15, 15, 18	51:20 54:19	41:6 60:14
7:17, 21, 24	107:12	89:23 90:14	54:20 63:10	61:7 64:13
8:17, 18 9:4	<b>voted</b>	90:16, 19	63:22 67:5	71:5, 6
9:14 10:3, 8	4:13, 17 7:19	94:3, 12, 15	70:22	73:11 74:13
12:5, 23	8:22 19:17	94:16, 19, 23	<b>votes</b>	77:6, 9 78:7
14:18, 25	58:20 90:12	95:1, 5, 7, 10	18:14 19:16	82:12 90:4
15:18, 25	97:4, 15	95:12 97:4	19:23 67:18	90:4 91:14
18:24 19:1	<b>voter</b>	98:5, 21, 22	67:22 68:20	98:9 103:1
19:2, 3, 6, 9	2:2 4:7 7:20	98:23	72:7	106:7, 7, 22
19:9, 13, 14	9:7, 19 10:6	100:15	<b>voting</b>	<b>wanted</b>
24:15 25:2	12:3, 14	101:11, 15	2:10 3:19	12:24, 24
28:25 29:15	14:8 15:21	101:21	4:17 6:4	16:21 17:9
30:13 31:15	17:6, 14, 21	103:6, 15	8:13, 20, 25	29:17, 18
33:15, 18, 22	18:24, 25	104:1, 6, 10	10:1 14:15	33:23, 25
34:3, 22	19:7 20:15	104:12	15:11 18:13	36:21 37:25
41:11 43:11	21:2 22:22	105:6, 9, 10	19:15 26:24	48:3 52:11
53:23 54:5	22:23 23:1	107:7, 24	27:3 33:25	58:4 77:13
54:16, 22	23:22 24:5	<b>voters</b>	54:23 55:5	84:6 104:22
55:1 58:9	24:6, 8	1:3 8:15	58:17 64:2	105:12
58:15, 18, 21	25:24 26:5	9:20 17:13	65:11 66:15	<b>wanting</b>
58:23, 23	28:12, 21	17:19 18:18	67:16 70:14	26:1
61:13, 14	30:11 36:12	18:21 26:14	85:7, 9, 20	<b>wants</b>
	39:18 42:6	26:18 28:24	85:21 87:19	



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9:8 52:25 <b>wasn't</b> 72:6 81:23 84:20 <b>watch</b> 83:2 <b>way</b> 16:11 20:11 21:9 33:13 50:18 73:9 80:13 85:18 86:19 95:11 97:9 98:13 105:11 <b>ways</b> 10:6 19:13 <b>week</b> 27:2 70:23 <b>weekend</b> 107:25 <b>weeks</b> 92:8 <b>weighing</b> 71:15,15 <b>welcome</b> 2:9 3:1 7:4 25:6 <b>well-known</b> 17:18 <b>went</b> 4:9,10,12,16 14:3,3 85:9 <b>weren't</b> 4:11 <b>west</b> 8:7 109:10 109:17 <b>we'll</b> 10:13 45:21 <b>we're</b> 3:11,13 7:14 7:15 8:3 12:1,7 18:3 19:18,22 23:20 39:19 51:21 52:2 52:2,16 61:12 80:25	89:14,25 <b>we've</b> 36:21 52:5 60:17 61:10 61:11 64:21 68:14 95:4 <b>whiff</b> 86:13 <b>widespread</b> 22:11 64:10 64:11 66:11 <b>wife</b> 40:21,23 <b>Wildlife</b> 56:16 <b>wiley</b> 3:8 <b>Wilson</b> 109:10,17 <b>Winn</b> 41:21 53:3 <b>wish</b> 27:17,22 32:20 35:9 38:11,21 40:8,11 52:24 88:23 89:4 <b>wishes</b> 40:13 <b>wishing</b> 35:13 41:1 <b>witness</b> 19:25 30:1 33:6 38:13 38:16 39:22 40:15 41:18 41:22 47:5 50:17 52:20 53:2,4 62:13 72:18 78:23 80:2 81:7 <b>witnesses</b> 60:17 <b>women</b> 5:2 36:6 37:15 38:20	<b>wonder</b> 92:17 <b>wonderful</b> 11:11 <b>wondering</b> 10:18 85:24 100:8 <b>Woodford</b> 16:18,20 40:2,5 46:21,23,24 62:23 63:2 63:3,22,25 65:15,22 66:5,6,10 <b>WOOLFORD</b> 66:1 <b>word</b> 19:18,21 86:20 107:4 <b>wording</b> 43:5 <b>words</b> 77:21 82:21 <b>work</b> 10:19,23 14:2 15:7 15:14,15,16 15:18 16:9 30:5 86:1 86:24 87:2 105:10 107:15 <b>worked</b> 8:4 13:25 14:18 <b>worker</b> 53:25 <b>workers</b> 23:23 44:25 46:11 98:2 98:14,17 99:18 <b>working</b> 46:11 93:3 106:2 <b>works</b> 45:16	<b>world</b> 5:13 6:11 <b>worth</b> 41:13 <b>wouldn't</b> 14:21,21 23:4 38:8 65:17 68:20 70:9 <b>Wow</b> 73:22 <b>write</b> 16:12 <b>writing</b> 75:1 87:3 <b>written</b> 77:5 80:14 <b>wrong</b> 18:16 84:11 90:6 <b>wrongfully</b> 101:10 <b>Y</b> 33:1 <b>yeah</b> 38:14 49:14 49:25 66:2 68:13 71:11 75:9 89:12 <b>year</b> 3:7 18:12 33:17 57:23 74:15,23 75:14,14 <b>years</b> 11:2 21:19 21:21 30:25 32:2 36:21 38:8 52:6,7 52:17 55:9 57:15 63:7 63:7 64:2 77:17 <b>yesterday</b> 19:10 24:13 86:13	<b>young</b> 4:16 85:10 <b>Z</b> <b>zip</b> 50:20 <b>\$</b> <b>\$12</b> 57:21 <b>0</b> <b>04</b> 75:14 <b>1</b> <b>1</b> 20:7,10 30:12 31:9 66:13 92:8 <b>1B</b> 30:12 <b>10</b> 84:21 <b>100</b> 110:8 <b>11</b> 84:21 <b>11's</b> 5:14 <b>12/31/12</b> 110:6 <b>1269</b> 42:2,5,19 43:4 53:8 53:14 <b>1293</b> 2:16,18 <b>130,000</b> 57:23 <b>1382</b> 35:19,25 41:4,20,25 <b>14th</b> 109:10,18 <b>1402</b> 3:16,17 33:20 34:9
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35:14,16,17 94:10 <b>15</b> 75:22,23 <b>1515</b> 70:25 <b>16</b> 105:19 <b>16032</b> 38:2,10 39:5 <b>17</b> 1:4 109:8 <b>1706</b> 33:23 53:19 54:15 55:3 77:4 98:13 107:19 <b>18</b> 31:1 76:2,3 84:22,25 <b>1969</b> 89:17 <b>1980</b> 28:13 <b>1987</b> 28:11 <b>1994</b> 78:9 <hr/> <b>2</b> <b>2</b> 20:11 30:12 31:9 76:6 <b>20</b> 30:24 <b>20,000</b> 51:10 <b>20-year-old</b> 95:24 <b>2000</b> 110:8 <b>2005</b> 1:4 109:9 <b>2012</b> 1:13 109:17 110:2 <b>209</b> 109:10,17	<b>21</b> 67:13 <b>22</b> 76:4 <b>24</b> 1:13 98:11 <b>25</b> 30:25 32:2 52:6,7 <b>26th</b> 110:1 <b>276,000</b> 19:16 <b>283</b> 110:7 <hr/> <b>3</b> <b>3</b> 75:24 <b>3,000</b> 18:14 <b>3.5</b> 74:19 76:1 <b>30</b> 37:10 41:9 <b>328-5557</b> 110:9 <b>333307RH</b> 110:11 <b>3700</b> 28:18 <hr/> <b>4</b> <b>4</b> 20:18 24:15 29:6 30:9 65:1 <b>4-plus</b> 75:12 <b>4.3</b> 74:22 <b>40</b> 11:2 17:13 19:21 <b>4136</b> 110:6 <b>4700</b> 28:15	<b>472</b> 2:22 <hr/> <b>5</b> <b>5</b> 80:19 <b>5:00</b> 8:18 9:6 15:20 60:19 <b>50</b> 17:13 19:21 <b>512</b> 110:9 <b>516</b> 17:7 <hr/> <b>6</b> <b>6:00</b> 15:14,20 16:5 <b>6:55</b> 77:20 <b>602</b> 18:15 <b>607,000</b> 74:16 <b>65</b> 38:6 85:9 100:1 <hr/> <b>7</b> <b>7:00</b> 15:14 16:6 <b>70</b> 100:2 <b>70,000</b> 38:6 <b>71</b> 100:2 <b>75</b> 78:12 <b>78701</b> 109:11,19 110:8 <hr/> <b>8</b> <b>8th</b> 109:10,18	<b>800,000</b> 21:11 <b>82</b> 78:9 <b>89</b> 78:11 <hr/> <b>9</b> <b>9</b> 44:24 <b>90</b> 52:1 <b>940</b> 28:17 <b>96</b> 101:2	
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\*\* REVISION \*\*  
HOUSE OF REPRESENTATIVES  
NOTICE OF PUBLIC HEARING

COMMITTEE: Elections  
SUBCOMMITTEE: Voter Verification

TIME & DATE: 2:00PM or upon final adjourn./recess  
Thursday, March 17, 2005

PLACE: E1.014

CHAIR: Rep. Dwayne Bohac

---

[HB 1269](#) Bohac  
Relating to the manner in which a voter may make a change in the  
voter's registration information.

[HB 1293](#) Nixon  
Relating to requiring a voter to present proof of identification.

[HB 1382](#) Jones, Jesse  
Relating to notice of cancellation of a voter's registration.

[HB 1402](#) Kolkhorst  
Relating to requiring a voter to present proof of identification.

[HB 1706](#) Denny / et al.  
Relating to requiring a voter to present proof of identification.

---

BILLS DELETED AFTER LAST POSTING:

[HB 1270](#)

The House Committee on Elections  
Subcommittee on Voter Verification  
79th Legislature  
March 17, 2005  
2:00 p.m. or upon final adjourn./recess  
Capitol Extension, E1.014

Pursuant to a notice posted on March 11, 2005, and revised on March 15, 2005, the House Committee on Elections, Subcommittee on Voter Verification, met in a public hearing and was called to order by the chair, Representative Bohac, at 2:17 p.m.

Present: Representatives Bohac; Anchia (2).

Absent: Representative Hughes (1).

A quorum was present.

HB 1293

The chair laid out HB 1293.

The bill was left pending without objection.

HB 1402

The chair laid out HB 1402.

The chair recognized Representative Kolckhorst to explain the measure.

(Representative Hughes now present.)

Testimony was taken. (See attached witness list.)

The chair closed on the measure.

The bill was left pending without objection.

HB 1382

The chair laid out HB 1382.

Representative Hughes offered a complete committee substitute.

The chair recognized Representative Jones, Jesse to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Jones, Jesse to close on the measure.

The committee substitute was withdrawn without objection.

The bill was left pending without objection.

HB 1269

The chair laid out HB 1269 and explained the measure.

Testimony was taken. (See attached witness list.)

The chair closed on the measure.

The bill was left pending without objection.

HB 1706

The chair laid out HB 1706.

The chair recognized Representative Denny to explain the measure.

Testimony was taken. (See attached witness list.)

The chair recognized Representative Denny to close on the measure.

The bill was left pending without objection.

At 4:15 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

---

Rep. Bohac, Chair

---

Noe Barrios, Clerk

WITNESS LIST

Elections Committee  
(SUBCOMMITTEE ON Voter Verification)  
March 17, 2005-2:00P

HB 1269

For: Borofsky, Cliff (Bexar County)  
Hammerlein, George (Harris County Tax Office)  
Woodford, Suzy (Common Cause Texas)  
Against: Bailey, Ken (Self and Texas Democratic Party)  
Sherbet, Bruce (Self)  
Registering, but not testifying:  
For: Alexander, Don (Self and Texas Association of Elections  
Administrators)  
Against: McAfee, Anne C. (Self)  
On: Winn, Elizabeth (Sec. of State)

HB 1382

For: Alexander, Don (Self and Texas Association of Elections  
Administrators)  
Bailey, Ken (Self and Texas Democratic Party)  
Borofsky, Cliff (Bexar County)  
Hammerlein, George (Paul Bettencourt, Harris County Tax  
Office)  
Registering, but not testifying:  
For: McAfee, Anne C. (Self)  
Woodford, Suzy (Common Cause Texas)  
On: Winn, Elizabeth (Secretary of State)

HB 1382 - Committee Substitute (Hughes)

For: Sherbet, Bruce (Self)  
Registering, but not testifying:  
For: Finch, Mary (League of Women Voters of Texas)

HB 1402

Against: Bailey, Ken (Self and Texas Democratic Party)  
Borofsky, Cliff (Bexar County)  
Brock, Alison (Unlock Your Vote Campaign)  
Littles, Paula (Texas AFL CIO)  
On: Sherbet, Bruce (Self)  
Registering, but not testifying:  
For: Alexander, Don (Self and Texas Association of Election  
Administrators)  
Reilly, Frank (Republic Party of Texas)  
Against: McAfee, Anne C. (Self)  
Perales, Nina (Mexican American Legal Defense and  
Educational Fund, Inc.)  
Woodford, Suzy (Common Cause Texas)  
On: McGeehan, Ann (TX Sec. State)

HB 1706

For: Alexander, Don (Self and Texas Association of Elections  
Administrator)  
Hammerlein, George (Paul Bettencourt, Harris County Tax  
Assessor Collector)

Reilly, Frank (Republican Party of Texas)  
Wallace, B.R. "Skipper" (Texas Republican County  
Chariman's Association- Legislative Comm.)  
Against: Bailey, Ken (Self and Texas Democratic Party)  
Borofsky, Cliff (Bexar County)  
Perales, Nina (Mexican American Legal Defense and  
Educational Fund, Inc.)  
Vanhoose, Laurie (Advocacy Inc.)  
Woodford, Suzy (Common Cause TX)  
On: McGeehan, Ann (TX SOS)  
Sherbet, Bruce (Self)  
Spinks, Margaret (Texas Department of Public  
Safety/Driver License Division)  
Registering, but not testifying:  
Against: Brock, Alison (Unlock Your Vote Campaign)  
Littles, Paula (Texas AFL-CIO)  
McAfee, Anne C. (Self)  
On: Martinez, Germaine (TX Dept of Public Safety- Driver  
License Division)

By: Denny, Pitts, Woolley, Nixon, Bohac,  
et al.

H.B. No. 1706

Substitute the following for H.B. No. 1706:

By: Bohac

C.S.H.B. No. 1706

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(b) On offering to vote, a voter must present to an election officer at the polling place the voter's voter registration certificate and either:

(1) one form of identification listed in Section 63.0101(a); or

(2) two different forms of identification listed in Section 63.0101(b) [to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a registration certificate], an election officer shall determine whether the voter's name on the registration certificate is on the list of registered voters for the precinct.

(d) If the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the proof presented, the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [~~registration certificate~~] to the voter.

(g) If the requirements for identification prescribed by



C.S.H.B. No. 1706

1 Subsection (b)(1) or (2) are not met, the voter shall be accepted  
2 for provisional voting only under Section 63.011.

3 SECTION 2. Section 63.006(a), Election Code, is amended to  
4 read as follows:

5 (a) A voter who, when offering to vote, presents a voter  
6 registration certificate indicating that the voter is currently  
7 registered in the precinct in which the voter is offering to vote,  
8 but whose name is not on the precinct list of registered voters,  
9 shall be accepted for voting if the voter's identity can be verified  
10 from the proof presented.

11 SECTION 3. Section 63.007(a), Election Code, is amended to  
12 read as follows:

13 (a) A voter who, when offering to vote, presents a voter  
14 registration certificate indicating that the voter is currently  
15 registered in a different precinct from the one in which the voter  
16 is offering to vote, and whose name is not on the precinct list of  
17 registered voters, shall be accepted for voting if the voter's  
18 identity can be verified from the proof presented and the voter  
19 executes an affidavit stating that the voter:

20 (1) is a resident of the precinct in which the voter is  
21 offering to vote or is otherwise entitled by law to vote in that  
22 precinct;

23 (2) was a resident of the precinct in which the voter  
24 is offering to vote at the time that information on the voter's  
25 residence address was last provided to the voter registrar;

26 (3) did not deliberately provide false information to  
27 secure registration in a precinct in which the voter does not

C.S.H.B. No. 1706

1 reside; and

2 (4) is voting only once in the election.

3 SECTION 4. Section 63.008(a), Election Code, is amended to  
4 read as follows:

5 (a) A voter who does not present a voter registration  
6 certificate when offering to vote, but whose name is on the list of  
7 registered voters for the precinct in which the voter is offering to  
8 vote, shall be accepted for voting if the voter executes an  
9 affidavit stating that the voter does not have the voter's voter  
10 registration certificate in the voter's possession at the polling  
11 place at the time of offering to vote and the voter's identity can  
12 be verified from the proof presented [~~voter presents proof of~~  
13 ~~identification in a form described by Section 63.0101~~].

14 SECTION 5. Section 63.0101, Election Code, is amended to  
15 read as follows:

16 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

17 (a) The following documentation is an acceptable form [~~as proof~~] of  
18 photo identification under this chapter:

19 (1) a driver's license or personal identification card  
20 issued to the person by the Department of Public Safety that has not  
21 expired or that expired no earlier than two years before the date of  
22 presentation [~~or a similar document issued to the person by an~~  
23 ~~agency of another state, regardless of whether the license or card~~  
24 ~~has expired~~];

25 (2) a United States military identification card that  
26 contains the person's photograph [~~form of identification~~  
27 ~~containing the person's photograph that establishes the person's~~

C.S.H.B. No. 1706

1 ~~identity];~~

2 (3) a valid employee identification card that contains  
3 the person's photograph and is issued by an employer of the person  
4 in the ordinary course of the employer's business [~~birth~~  
5 ~~certificate or other document confirming birth that is admissible~~  
6 ~~in a court of law and establishes the person's identity]~~;

7 (4) a United States citizenship certificate [~~papers~~]  
8 issued to the person that contains the person's photograph;

9 (5) a United States passport issued to the person;

10 (6) a student identification card issued by a public  
11 or private institution of higher education located in Texas that  
12 contains the person's photograph [~~official mail addressed to the~~  
13 ~~person by name from a governmental entity]~~; or

14 (7) a license to carry a concealed handgun issued to  
15 the person by the Department of Public Safety.

16 (b) The following documentation is acceptable as proof of  
17 identification under this chapter:

18 (1) a copy of a current utility bill, bank statement,  
19 government check, paycheck, or other government document that shows  
20 the name and address of the voter;

21 (2) official mail addressed to the person by name from  
22 a governmental entity;

23 (3) a certified copy of a birth certificate or other  
24 document confirming birth that is admissible in a court of law and  
25 establishes the person's identity;

26 (4) United States citizenship papers issued to the  
27 person;

C.S.H.B. No. 1706

1           (5) an original or certified copy of the person's  
 2 marriage license or divorce decree;

3           (6) court records of the person's adoption, name  
 4 change, or sex change;

5           (7) an identification card issued to the person by a  
 6 governmental entity of this state or the United States for the  
 7 purpose of obtaining public benefits, including veteran's  
 8 benefits, Medicaid, or Medicare;

9           (8) a temporary driving permit issued to the person by  
 10 the Department of Public Safety;

11           (9) a pilot's license issued to the person by the  
 12 Federal Aviation Administration or another authorized agency of the  
 13 United States;

14           (10) a library card that contains the person's name  
 15 issued to the person by a public library located in this state; or

16           (11) a hunting or fishing license issued to a person by  
 17 the Parks and Wildlife Department [~~or~~

18 ~~any other form of identification prescribed by~~  
 19 ~~the secretary of state].~~

20           SECTION 6. Sections 63.011(a) and (b), Election Code, are  
 21 amended to read as follows:

22           (a) A person to whom Section 63.001(g), 63.008(b), or  
 23 63.009(a) applies may cast a provisional ballot if the person  
 24 executes an affidavit stating that the person:

25           (1) is a registered voter in the precinct in which the  
 26 person seeks to vote; and

27           (2) is eligible to vote in the election.

C.S.H.B. No. 1706

(b) A form for the affidavit shall be printed on an envelope in which the provisional ballot voted by the person may be placed and must include a space for entering the identification number of the provisional ballot voted by the person and a space for an election officer to indicate whether the person presented proof of identification as required by Section 63.001(b)(1) or (2). The affidavit form may include space for disclosure of any necessary information to enable the person to register to vote under Chapter 13. The secretary of state shall prescribe the form of the affidavit under this section.

SECTION 7. Section 65.054(b), Election Code, is amended to read as follows:

(b) A provisional ballot may be accepted only if:

(1) the board determines that, from the information in the affidavit or contained in public records, the person is eligible to vote in the election; and

(2) the voter presents proof of identification as required by Section 63.001(b)(1) or (2):

(A) at the time the ballot was cast; or

(B) in the period prescribed under Section 65.0541.

SECTION 8. Subchapter B, Chapter 65, Election Code, is amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional voting under Section 63.011 because the voter does not present proof of identification as required by Section 63.001(b)(1) or (2)

C.S.H.B. No. 1706

1 may present proof of identification to the voter registrar for  
2 examination by the early voting ballot board not later than the  
3 fifth day after the date of the election.

4 (b) The secretary of state shall prescribe procedures as  
5 necessary to implement this section.

6 SECTION 9. Section 521.422, Transportation Code, is amended  
7 by amending Subsection (a) and adding Subsection (d) to read as  
8 follows:

9 (a) Except as provided by Subsection (d), the ~~[The]~~ fee for  
10 a personal identification certificate is:

11 (1) \$15 for a person under 60 years of age;

12 (2) \$5 for a person 60 years of age or older; and

13 (3) \$20 for a person subject to the registration  
14 requirements under Chapter 62, Code of Criminal Procedure.

15 (d) The department may not collect a fee for a personal  
16 identification certificate issued to a person who executes an  
17 affidavit stating that the person is financially unable to pay the  
18 required fee and:

19 (1) who is a registered voter in this state and  
20 presents a valid voter registration certificate; or

21 (2) who is eligible for registration under Section  
22 13.001, Election Code, and submits a registration application to  
23 the department.

24 SECTION 10. This Act takes effect September 1, 2005.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 20, 2005**

**TO:** Honorable Mary Denny, Chair, House Committee on Elections

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB1706** by Denny (Relating to requiring a voter to present proof of identification.),  
**Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1706, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2007.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Revenue (Loss) from TEXAS MOBILITY FUND 365</b>
2006	(\$130,110)
2007	(\$130,110)
2008	(\$130,110)
2009	(\$130,110)
2010	(\$130,110)

**Fiscal Analysis**

The bill amends Election Code to require a voter to present additional identification items in addition to the voter registration certificate and expands the current list of documentation acceptable as proof of identification for voting, including provisional voting. It also amends Transportation Code to allow the Department of Public Safety to issue a personal identification certificate (ID) at no cost to individuals who execute an affidavit stating they are unable to pay the required fee. A resulting revenue loss to the Texas Mobility Fund is anticipated.

**Methodology**

The estimate is based on the total number of ID holders who were registered to vote in 2004 multiplied by the product of the U.S. Census' estimated population living below the poverty level in Texas multiplied by the \$15 cost for original and renewal issuances of a personal IDs.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 405 Department of Public Safety

**LBB Staff:** JOB, MS, LB, SJ, NR, KJG



## **BILL ANALYSIS**

C.S.H.B. 1706  
By: Denny  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, to vote a regular ballot, voters are only required to present their voter registration certificates to a poll worker. While this practice attempts to ensure that only registered voters receive a regular ballot on election day, it leaves a potential loophole for fraud. Individuals are not required to show identification to register to vote. Because of this, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for the "fake" individuals. With the current process, no statutory standards exist to verify the identity of individuals at the polling place when they present a voter registration certificate. CSHB 1706 modifies provisions requiring a voter to present proof of identification when offering to vote.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is not expressly granted to any state officer, department, agency, or institution; however, SECTION 8 (Sec. 65.0541, Election Code) of this bill requires the Secretary of State to prescribe procedures as necessary to implement that section.

### **ANALYSIS**

C.S.H.B. 1706 amends the Election Code by adding that on offering to vote, a voter must present either one form of photo identification or two different forms of non-photo identification. If the voter's identity can be verified from the proof presented, and the voter complies with existing provisions relating to eligibility to vote, the bill requires that the voter be accepted for voting.

The bill requires that a person who fails to show either photo identification or two forms of non-photo identification is accepted to vote a provisional ballot only, if the person completes the provisional ballot affidavit. The bill authorizes such a voter to present proof of identification to the voter registrar not later than the fifth day after the date of the election. The bill requires the secretary of state to prescribe procedures as necessary to implement this provision.

The bill adds proof of identification to the existing qualifications required for a provisional ballot to be accepted by the early voting ballot board and requires that a space for an election officer to indicate whether a person presented identification be added to the provisional ballot affidavit.

C.S.H.B. 1706 modifies the list of acceptable forms of identification for the purposes of voting. The bill provides that the following are acceptable forms of photo identification:

- driver's license or personal identification card issued by the Department of Public Safety (DPS) that has not expired or expired within two years of the date of presentation;
- U.S. military identification card containing the person's photograph;
- valid employee identification card containing the person's photograph;
- U.S. citizenship certificate that contains the person's photograph;
- U.S. passport issued to the person;
- student identification card issued by a public or private institution of higher education located in Texas that contains the person's photograph; or
- license to carry a concealed handgun issued by DPS.

C.S.H.B. 1706 79(R)

The bill provides that the following are acceptable forms of non-photo identification:

- copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;
- official mail addressed to the person by name from a governmental entity;
- certified copy of a birth certificate or other acceptable document confirming birth;
- U.S. citizenship papers;
- original or certified copy of a person's marriage license or divorce decree;
- court records of a person's adoption or name or sex change;
- identification card issued by a governmental entity for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;
- temporary driving permit issued to the person by DPS;
- pilot's license issued to the person by an authorized federal agency;
- library card, containing the person's name, issued by a public library located in this state; or
- hunting or fishing license issued to the person by the Parks and Wildlife Department.

The bill removes: driver's license or photo identification card issued by another state; any form of identification containing a person's photograph that establishes the person's identity; and any other form of identification prescribed by the secretary of state, from the list of acceptable identification.

C.S.H.B. 1706 amends the Transportation Code by prohibiting DPS from collecting a fee for a personal identification certificate if the person applying for the certificate executes an affidavit stating that the person is financially unable to pay the required fee. In order for the fee to be waived, the bill also requires the person to:

- be a registered voter and present a valid registration certificate; or
- be eligible for registration and submit a registration application.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute modifies the original by adding the provisions authorizing a voter to present proof of identification to the voter registrar not later than the fifth day after the date of the election and requiring the secretary of state to prescribe procedures to implement this provision.

The substitute modifies the original by adding proof of identification to the existing qualifications required for a provisional ballot to be accepted by the early voting ballot board. The substitute also modifies the original by requiring that a space for an election officer to indicate whether a person presented identification be added to the provisional ballot affidavit.

The substitute clarifies that the provision relating to provisional voting for failure to show identification applies only to voters who fail to show photo identification or two forms of non-photo identification, not to voters who fail to show a valid voter registration certificate. The substitute also requires, rather than authorizes, that these voters be accepted for provisional voting only.

HOUSE  
RESEARCH  
ORGANIZATION bill analysis

5/2/2005

HB 1706  
Denny, et al.  
(CSHB 1706 by Bohac)

---

SUBJECT: Requiring a voter to present proof of identification at a polling place

COMMITTEE: Elections — committee substitute recommended

VOTE: 5 ayes — Denny, Bohac, Anderson, Hughes, T. Smith

1 nay — Anchia

1 absent — J. Jones

WITNESSES: For — Don Alexander, Texas Association of Elections Administrators; George Hammerlein, for Paul Bettencourt, Harris County Tax Assessor Collector; Frank Reilly, Republican Party of Texas; B.R. "Skipper" Wallace, Texas Republican County Chairman's Association

Against — Ken Bailey, Texas Democratic Party; Cliff Borofsky, Bexar County; Nina Perales, Mexican American Legal Defense and Educational Fund, Inc.; Laurie Vanhoose, Advocacy, Inc.; Suzy Woodford, Common Cause Texas; (*Registered, but did not testify*: Alison Brock, Unlock Your Vote Campaign; Paula Littles, Texas AFL-CIO; Anne C. McAfee)

On — Ann McGeehan, Secretary of State's Office; Bruce Sherbet; Margaret Spinks, Texas Department of Public Safety; (*Registered, but did not testify*: Germaine Martinez, Texas Department of Public Safety)

BACKGROUND: Election Code, sec. 63.001 says a voter must present a voter registration certificate to an election officer when offering to vote at a polling place. Sec. 63.009 establishes that a voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate at the polling place, and:

- the voter presents proof of identification in a specified, acceptable form; or
- the affidavit is also signed by a person who is working at the polling place and who attests to the identity of the voter.

HB 1706  
House Research Organization  
page 2

Sec. 63.0101 lists the following forms of documentation as acceptable proof of identification in lieu of a voter registration certificate or specified affidavit(s):

- a driver's license or personal identification card issued to the person by the Department of Public Safety (DPS) or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;
- a form of identification containing the person's photograph that establishes the person's identity;
- a birth certificate or other documentation confirming birth that is admissible in a court of law and establishes the person's identity;
- U.S. citizenship papers issued to the person;
- a U.S. passport issued to the person;
- official mail addressed to the person by name from a governmental entity;
- a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- any other form of identification prescribed by the secretary of state.

The 78th Legislature in 2003 enacted HB 1549 by Denny to implement changes necessary to comply with the Help America Vote Act of 2002 (HAVA). Among those changes was a requirement that an applicant voting for the first time in a federal election who applies for voter registration by mail must provide a copy of a document described in sec. 63.0101 (listed above) that establishes the applicant's identity. This provision is due to expire at the latest on January 1, 2006, the date by which the statewide computerized voter registration list must be operational.

DIGEST:

CSHB 1706 would require a voter, upon offering to vote, to present to an election officer at the polling place the voter's voter registration certificate and either one form of specified photo identification or two different forms of specified identification without a photo. If the voter's name were on the precinct list of registered voters or if the voter was eligible under other existing eligibility provisions, and if the voter's identity could be verified from the identification proof presented, the voter would be accepted for voting without a voter registration certificate.

HB 1706  
House Research Organization  
page 3

The bill would modify the list of acceptable proof of identification for voting purposes, specifying the following as acceptable forms of photo identification:

- driver's license or personal identification card issued to the person by the DPS that had not expired or that expired no earlier than two years before the date of presentation;
- U.S. military identification card that contained the person's photograph;
- valid employee identification card that contained the person's photograph;
- U.S. citizenship certificate that contained the person's photograph;
- U.S. passport issued to the person;
- student identification card issued by a public or private institution of higher education located in Texas that contained the person's photograph; or
- license to carry a concealed handgun issued to the person by DPS.

The following documentation without a photo would be acceptable as proof of identification:

- copy of a current utility bill, bank statement, government check, paycheck, or other government document that showed the name and address of the voter;
- official mail addressed to the person by name from a governmental entity;
- certified copy of a birth certificate or other document confirming birth that was admissible in a court of law and established the person's identity;
- U.S. citizenship papers issued to the person;
- original or certified copy of the person's marriage license or divorce decree;
- court records of the person's adoption, name change, or sex change;
- identification card issued to the person by a Texas or U.S. governmental entity for the purpose of obtaining public benefits, including veteran's benefits, Medicaid, or Medicare;
- temporary driving permit issued to the person by DPS;
- pilot's license issued to the person by the FAA or another authorized, federal agency;

HB 1706  
House Research Organization  
page 4

- library card, containing the person's name, issued to the person by a public library located in Texas ; or
- hunting or fishing license issued to a person by the Parks and Wildlife Department.

The bill would remove the following from the list of acceptable identification:

- driver's license or photo identification card issued to the person by another state;
- any form of identification containing the person's photograph that established the person's identity; and
- any other form of identification prescribed by the secretary of state.

The bill would change the specifications for a birth certificate to require that it be a certified copy and for a driver's license to require that it be current or not expired by more than two years.

The bill would require that a voter who did not show either photo identification or two forms of identification without a photo could be accepted for provisional voting if the person executed a provisional ballot affidavit. A voter accepted for provisional voting could present proof of identification to the voter registrar for examination by the early voting ballot board not later than the fifth day after the date of the election. The secretary of state could prescribe procedures as necessary to implement identification provisions for these voters who were accepted for provisional voting.

Proof of identification would be added to requirements for a provisional ballot to be accepted by the early voting ballot board. An election officer would indicate in the provisional ballot affidavit whether a person presented proof of identification.

CSHB 1706 also would amend Transportation Code, sec. 521.422, to prohibit DPS from collecting a fee for a personal identification certificate issued to a person who executed an affidavit stating that the person was financially unable to pay the required fee, who was a registered Texas voter and presented a valid voter registration certificate, or who was eligible for voter registration and submitted a voter registration application to DPS.

HB 1706  
House Research Organization  
page 5

The bill would take effect September 1, 2005.

SUPPORTERS  
SAY:

CSHB 1706 would set a new standard in increasing voter confidence in voter registration rolls and election outcomes. No statutory provisions now provide for verifying the identity of those who present voter registration certificates at polling places, and this bill would close a potential loophole for fraud.

Along with the right to vote, voters have an obligation to be who they say they are. Every time a vote is cast fraudulently, it disenfranchises those who cast their votes legally. In Texas, those who register to vote in person do not have to show proof of identification but simply complete voter registration cards. Nothing prevents someone from registering for a family member or friend.

More and more arenas in everyday life require photo identification, including traveling on airplanes and cashing checks. Society not only has adapted to those requirements but has benefited from the safeguards. Now it is time to conform the voting system to provide such protection.

The bill would require that voters who had a voter registration card also show photo identification (ID) from an acceptable list or show two forms of acceptable identification without a photo. Voters who did not have a voter registration card but were on the registered voter list still could vote upon presenting the required identification—in most cases, a Texas driver's license. Those not able to present the required forms of identification still could vote a provisional ballot upon completing a related affidavit. This bill would not turn any voters away from the polls.

The bill would not be an onerous burden on Texas voters. According to current information from the National Conference of State Legislators (NCSL), five states now require some form of photo ID for voter identification, and 14 more require proof of identification that does not necessarily include the voter's picture.

Under current Texas law, those who register to vote by mail must provide a copy of a specified ID. This bill would reflect changes expected in future federal laws.

Authorizing DPS to issue personal identification cards without a fee to those unable to pay would assure inclusion of the state's diverse voting



HB 1706  
House Research Organization  
page 6

population. The fiscal note attached to the bill would be \$130,110 for the cost to the Texas Mobility Fund of issuing the free ID cards. By all standards, this would be a remarkably low cost to preserve voting rights.

OPPONENTS  
SAY:

CSHB 1706 would address a perceived problem for which there is no evidence—voter fraud at polling places by registered voters. While anecdotes have surfaced of voter fraud in other settings, they do not involve registered voters with valid voter registration certificates. No one has quantified or even produced evidence of fraud among eligible voters at polling places, but the onerous requirements in this bill would disenfranchise some eligible voters.

The bill would discourage some voters by creating long lines at the polls as election officials tried to verify more forms of identification. It would force some people who did not have the specified photo ID or two of the other forms of identification to go home, locate acceptable identification if the voter possessed it, then return to the polls, perhaps to face even longer lines.

While a voter without proper identification could vote a provisional ballot under this bill, that could result in a voter who had voted faithfully by presenting a voter registration card for more than 60 years now having to vote a provisional ballot and wonder if it counted.

Disabled people are the largest population segment without IDs. Implementation of certain HAVA provisions—for example, having one accessible voting booth in every precinct in the state—is giving the disabled more opportunities to vote than ever before. CSHB 1706 could strip away many of those opportunities by forcing disabled voters to obtain photo IDs that they currently do not possess or otherwise need.

Granting free DPS personal identification cards to voters executing affidavits saying they were financially unable to pay for them would reach only some of the disabled population. However, the bill could create a circular path to securing proper photo identification. While the DPS card would be free under certain circumstances, obtaining one likely would require another form of identification for which there was a charge.

The bill also could discourage elderly voters who no longer drive and who live in retirement or nursing homes or with family members and who no longer receive utility bills in their names. Under the bill, the state of



HB 1706  
House Research Organization  
page 7

Texas could have the distinction of throwing out the vote of a World War II veteran on a technicality.

Obtaining sanctioned forms of identification, such as a photo ID, certified birth certificate, or passport, would involve paying fees. With the cumulative fees this bill could cost some voters, it could be considered a backdoor poll tax.

This bill is inconsistent with the federal HAVA laws. HAVA requires only one form of identification and only for first-time voters who register by mail, while this bill would require two such forms of identification in order for anyone to vote. Texas need not get in front of federal legislation because of the potential for pre-emption issues until the details of any such future legislation are known.

When the state of Texas accepted HAVA federal funds, it agreed to certain conditions. As written, this bill could jeopardize additional HAVA federal funds for Texas, estimated at \$103.2 million. To avoid such a problem, the Legislature might have to create two different systems of voter identification – one system for first-time voters who registered by mail and who produced one form of acceptable identification and another system for all other eligible voters that met the criteria for proof of identification under this legislation.

This bill would not address sufficiently issues of illegal voting. It would not prevent unscrupulous people from assuming someone's identity and voting as that person during early voting. Instead, it would discourage eligible voters from participating in the democratic process.

When compared with other states, this bill would make Texas' voter identification requirements among the most stringent in the country. Good government should not impose more bureaucracy than is necessary to carry out its basic functions.

OTHER  
OPPONENTS  
SAY:

CSHB 1706 as written could create problems with practicality and enforceability. Mandating that every person who appears at a polling place to vote have specified proof of identification—beyond a voter registration card—would be a major departure from current law. A grace period of at least one election is needed to educate election workers and voters. Even that might not be sufficient time to change

HB 1706  
House Research Organization  
page 8

habits among voters accustomed to needing only voter registration certificates to vote at the polls.

While citizens are required to show proof of identification in situations ranging from flying on an airplane to renting movies, none of those is a constitutional right and only *one* ID is necessary in such settings, not *two* as this bill would require.

Allowing a concealed handgun license to become an acceptable form of photo ID for voters would cause too much of a stir. Although a polling place is one of the designated locations where handguns are illegal, poll workers could become fearful that if they did not accept such documentation from a voter that the person might be carrying a gun and be dangerous. The state of Texas would be better off accepting a photo ID from a buyer's club, as Florida does.

With respect to the list of acceptable IDs without photos, various documents, including library cards, temporary driving permits, and (junior) hunting or fishing licenses all are issued to people under 18. These forms of documentation could generate more problems with voter eligibility and underage voting than they would solve. Also, acceptable IDs without photos should include military discharge papers.

NOTES:

The committee substitute differs from the introduced version by including requirements for proof of voter identification related to provisional ballots. Under the substitute, a voter who was accepted for provisional voting because the voter did not present the required proof of identification could offer proper proof to the voter registrar not later than the fifth day after the date of the election. It would require the secretary of state to prescribe procedures as necessary to implement this provision.

The fiscal note for CSHB 1706 anticipates a cost of \$130,110 each year to the Texas Mobility Fund to allow DPS to issue personal identification certificates at no cost to registered Texas voters with valid voter registration cards or who had submitted voter registration applications and executed affidavits stating they were unable to pay the required fee.

2005 (79R) HB 1706 HOUSE CALENDAR, 2ND READ 5/2/05

Transcribed by Lynne M. Rodriguez, CSR



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1 THE CLERK: HB 1706 by Denny, relating to  
2 requiring a voter to present proof of identification.

3 SPEAKER: The Chair recognizes Ms. Denny.

4 REP. DENNY: Thank you, Mr. Speaker.  
5 Members, House Bill 1706 would require voters to provide  
6 proof of identification when offering to vote in person  
7 so that we preserve the integrity of the election  
8 process ensuring the voters who are who they say they  
9 are.

10 This bill has been misunderstood so to make it  
11 easier, I provided each member with a legal size handout  
12 that highlights the differences between the proposed  
13 bill and current law and walks you through the different  
14 voting scenarios, and I think if you review these,  
15 you'll notice that the changes are not substantial but  
16 I'm happy to answer any questions.

17 REP. BURNAM: Mr. Speaker, would the lady  
18 yield?

19 REP. DENNY: I will.

20 SPEAKER: The lady yields.

21 REP. BURNAM: Good afternoon, Chairwoman.

22 REP. DENNY: Good afternoon.

23 REP. BURNAM: I know that you have a lot  
24 of experience in this area and I will ask you a couple  
25 of questions about it. You know that I represent an



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1 inner city district in Fort Worth. Are you aware that  
2 in my primary election, over half the voters that  
3 bothered to participate are senior citizens?

4 REP. DENNY: I did not though that but  
5 I'll certainly take you word for it.

6 REP. BURNAM: Did you know that not only  
7 is that the case for primaries but it is also the case  
8 for city elections and school board elections in my  
9 community.

10 REP. DENNY: Good for them.

11 REP. BURNAM: Actually it's bad for them,  
12 because when you only have 5 to 6 percent of the people  
13 bothering to participate in either primary or in  
14 municipal elections or school board elections, and an  
15 even smaller percentage of them bothering to participate  
16 in water district elections, you really have to be  
17 concerned, don't you, about the level of participation  
18 in the electoral process?

19 REP. DENNY: You're right.

20 REP. BURNAM: Are you aware, Ms. Denny,  
21 that virtually every member of this floor has received a  
22 letter from the AARP talking unfavorably about your  
23 bill?

24 REP. DENNY: Yes, and I find that  
25 somewhat remarkable since so many of our elderly voters



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1 are able to take advantage of early voting by mail, and  
2 this bill does nothing to touch any of the requirements  
3 of that convenience.

4 REP. BURNAM: I don't know what your  
5 experience is in your district. In my district, I many  
6 times find that senior citizens prefer the social  
7 interaction of being able to go to their polling place  
8 and seeing their friends of 15, 20, 30 years, and it's  
9 kind of a community event. Some of them go down at the  
10 same time so they can say "Hello." Is that not your  
11 experience?

12 REP. DENNY: Well, sometimes I suppose  
13 that's true.

14 REP. BURNAM: Well, Ms. Denny, would it  
15 surprise you to know that in the AARP letter, it  
16 suggests that your bill, HB 1706, will impose the modern  
17 version of a poll tax because it will force elderly,  
18 retired and disabled voters to purchase and furnish  
19 official documents such as birth certificates,  
20 passports, driver's license, or government identity  
21 cards as a prerequisite to registering or casting a  
22 ballot? Shouldn't that be of concern to people?

23 REP. DENNY: Well, Mr. Berman, I just  
24 think that that's not the case at all. It is so  
25 difficult in this day and age to understand how anyone



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1 does not have some form of photo ID or two forms of non  
2 photo ID. You cannot get along in this world and not  
3 have identification to show who you are to exist, to do  
4 any type of banking or purchasing or --

5 REP. BURNAM: Ms. Denny, you have never  
6 been poor or elderly in the inner city, have you?

7 REP. DENNY: Well, I'm getting elderly.

8 REP. BURNAM: Well, we're all getting  
9 older by the day, but I doubt seriously -- I mean, we're  
10 all filing our ethics reports today. I doubt seriously  
11 we'll find that you're poor or elderly or in the inner  
12 city, and that's the people I'm here representing today.

13 REP. DENNY: And I understand that, and  
14 for the poor and the elderly, there are many forms of  
15 identification, including mail, for the assistance  
16 checks and government forms of ID and mail that are  
17 available. It is a very long and liberal list,  
18 Mr. Berman.

19 REP. BURNAM: Ms. Denny, are you aware  
20 that the last sentence of that last paragraph says,  
21 "Voter identification requirements will negatively  
22 impact thousands of AARP, two million members in Texas,  
23 especially those who have voluntarily given up their  
24 right to drive."

25 Historically, many senior citizens, the only



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1 photo ID that they have is their driver's license, and  
2 has been recommended frequently by their doctor, they've  
3 given up these photo ID's and they have no photo ID's.  
4 So do you really think that in this day and age, it's  
5 appropriate to, based on nothing that's been  
6 substantiated as far as the need for this legislation,  
7 to move forward and to actually impose a new form of  
8 poll tax on our senior citizens?

9 REP. DENNY: Well, I disagree with you  
10 that it's a poll tax, and I do agree that most people  
11 have a form of photo ID. DPS also issues to people a  
12 photo ID that is not a driver's license, and this bill  
13 provides free of charge to anyone who's willing to sign  
14 an affidavit that they need assistance and cannot afford  
15 one, one will be issued free of charge for them.

16 REP. BURNAM: Well, what I know is the  
17 AARP is against this bill. They've made this  
18 information available to all of us, and I'm with them.  
19 Thank you.

20 REP. DENNY: Thank you.

21 SPEAKER: For what purpose, Mr. Coleman?

22 REP. COLEMAN: Would the gentlewoman  
23 yield?

24 REP. DENNY: I certainly do, Mr. Coleman.

25 REP. COLEMAN: Thank you, Chairwoman



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1 Denny. There's a provision in this bill that deals with  
2 provisional voting, and it appears that the new rules or  
3 law that you lay out here would direct people into  
4 provisional voting, so if somebody went in with the same  
5 ID that they had now going into the ballot box, they  
6 showed up with their voter registration card and if they  
7 didn't have the two pieces of mail, like electric bill  
8 or like a gas bill, or a picture ID, their ballot would  
9 now become a provisional ballot, is that not correct?

10 REP. DENNY: That is correct. You have  
11 to show who you are.

12 REP. COLEMAN: Well, tell me what's wrong  
13 with the system that says that we have to show that ID  
14 with our voter registration card. It would create more  
15 provisional ballots.

16 REP. DENNY: Because we want to make sure  
17 that you are the person that is voting the ballot and  
18 you are who you are.

19 REP. COLEMAN: Well, we went through a  
20 situation here where we had an election contest and it  
21 was shown that with all of those voters on the biggest  
22 election day in the last four years, that there was no  
23 voter fraud.

24 REP. DENNY: Well, that's not exactly  
25 accurate, Mr. Coleman. And we have instances where we



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1 have had, for the years that I've been on the elections  
2 committee, we have had hearings across this state where  
3 we have had stories and documentation of people showing  
4 up sometimes multiple times with different voter  
5 registration cards and voting in different precincts.

6 REP. COLEMAN: You have a provision in  
7 this bill that says that if you come in and that  
8 scenario happens, you don't have a picture ID or two  
9 ID's that are equivalent to a gas bill or phone bill,  
10 that you have to go -- if you want your provisional  
11 ballot made into a non-provisional ballot, that you have  
12 to go to the central election agency, the Board of --  
13 Early Vote Board, up to five days after the election to  
14 have your ballot certified that you are you, is that  
15 right?

16 REP. DENNY: That's correct. If you  
17 don't show up with your ID and you have one and you want  
18 your vote to count, then you can show up with your ID or  
19 two forms of ID.

20 REP. COLEMAN: How do we determine if a  
21 provisional ballot counts now?

22 REP. DENNY: Well, there are --  
23 The instances in which your ballot counts or  
24 do not count are printed on the back of the provisional  
25 ballot envelope where that ballot takes place.



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1 REP. COLEMAN: Exactly right. And so who  
2 determines that?

3 REP. DENNY: The central counting  
4 station, the ballot board.

5 REP. COLEMAN: Are they having a hard  
6 time doing it?

7 REP. DENNY: No.

8 REP. COLEMAN: Then why are we changing  
9 the rules? Thank you, Ms. Denny.

10 REP. DENNY: Thank you. We're changing  
11 them because there are instances in which that needs to  
12 be determined.

13 Hello.

14 SPEAKER: For what purpose, Mr. Strama?

15 REP. STRAMA: To ask the lady a few  
16 questions.

17 REP. DENNY: I certainly will.

18 SPEAKER: The lady yields.

19 REP. STRAMA: Thank you, Ms. Denny.  
20 Let's talk about why this bill was filed. What exactly  
21 is the problem that you're trying to solve?

22 REP. DENNY: Well, Mr. Strama, thank you,  
23 for asking. We have instances in this state that we  
24 have voter fraud, and I think it is so important that  
25 your vote be safeguarded and that you are the one that



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1 is actually casting that vote.

2 REP. STRAMA: Did the committee hear  
3 specific testimony about specific cases of voter fraud?

4 REP. DENNY: We have. We did and we  
5 have.

6 REP. STRAMA: Could you cite a couple of  
7 those examples?

8 REP. DENNY: Well, as I just told  
9 Mr. Coleman, we have had, in the past, testimony  
10 throughout this state of persons casting ballots and  
11 showing up with voter registration cards and they were  
12 not who were the people casting those ballots.

13 In this last election, it was interesting, I  
14 was just talking to the Secretary of State, where they  
15 had persons who have been dead. You know, the same old  
16 stories we've heard for years, dead people casting  
17 ballots.

18 Now if that person has to show up and show a  
19 photo ID or two forms of current ID, non-photos, the  
20 dead people won't be voting any longer.

21 REP. STRAMA: You know that for the past  
22 five years in the private sector, I've worked on voter  
23 registration data base technology.

24 REP. DENNY: I'm aware of it.

25 REP. STRAMA: Worked with election



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1 officials?

2 REP. DENNY: Yes, sir.

3 REP. STRAMA: The only comprehensive  
4 study I'm aware of that study the race, you know the  
5 evidence that we always hear anecdotally about dead  
6 people casting ballots was the state of Georgia's post  
7 election 2000 report, in which they identified that when  
8 there were news reports immediately following the  
9 election, that potentially hundreds of dead people had  
10 voted, and when the Secretary of State actually went and  
11 the audited every single one of those cases, they  
12 ultimately found there was only one case where a dead  
13 person had voted and it was a dead person who had  
14 actually voted while they were living and voted  
15 absentee. Are you aware of that study?

16 REP. DENNY: I am aware of that study in  
17 Georgia. However, I know our situation here in Texas is  
18 somewhat different.

19 REP. STRAMA: Do you believe that  
20 homeless people should be allowed to vote?

21 REP. DENNY: Absolutely.

22 REP. STRAMA: How would a homeless person  
23 meet the requirement of this legislation?

24 REP. DENNY: Very easily. They can get a  
25 photo ID from DPS.



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1 REP. STRAMA: How much does a photo ID  
2 cost?

3 REP. DENNY: It's free when you sign this  
4 affidavit that you need one and are unable to pay for  
5 it.

6 REP. STRAMA: So in addition to  
7 registering to vote, the requirement to vote for a  
8 homeless person would be that they also go to DPS and  
9 get a photo ID beyond the requirement of registration?

10 REP. DENNY: That's correct, but I don't  
11 know how they can get by with getting any of the  
12 benefits that they have. They could get a photo ID.  
13 There are also many other forms of identification, and I  
14 would assume a homeless person is also receiving  
15 benefits, Medicaid, and those types of things, and the  
16 ID card that is issued for Medicaid is certainly one of  
17 those forms of ID that is on the acceptable list, which  
18 I passed out to everyone here. Those are available free  
19 of charge. A library card, which is free of charge.  
20 Homeless people are certainly able to obtain those.

21 REP. STRAMA: You're aware that when the  
22 Help America Vote Act was passed, this ID requirement  
23 was one of the most significantly debated portions of  
24 that legislation, are you not?

25 REP. DENNY: I am aware of that.



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1 REP. STRAMA: Did you know that I was in  
2 the house gallery when the bill was passed?

3 REP. DENNY: No, I didn't.

4 REP. STRAMA: It was a pretty exciting  
5 experience.

6 REP. DENNY: I bet it was.

7 REP. STRAMA: And I was very involved in  
8 a lot of the negotiations on that bill. This particular  
9 component of it was of particular interest to Senator  
10 Bond of Missouri because Senator Bond alleged that there  
11 had been widespread voter fraud in the state of  
12 Missouri's election in the 2000 election, and what he --  
13 and as the most outspoken advocate for stronger ID  
14 requirements, are you aware that the Help America Vote  
15 Act prescribes specific requirements such as  
16 demonstration of photo ID the first time a mail-in  
17 registrant goes to vote at the polling place, are you  
18 aware of those requirements?

19 REP. DENNY: Absolutely.

20 REP. STRAMA: Do you agree that this bill  
21 goes beyond the requirements of the Help America Vote  
22 Act?

23 REP. DENNY: Yes, it does, and several  
24 other states have joined in what we're trying to do here  
25 in Texas and have already put in effect more stringent



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1 requirements.

2 REP. STRAMA: Would you agree that the  
3 state's obligations in conducting elections are to  
4 ensure that every registered voter is allowed to vote  
5 and no one is allowed to vote more than once?

6 REP. DENNY: Yes, I would.

7 REP. STRAMA: Would you agree that we  
8 ought to err on the side of inclusion when we know that  
9 we have a problem with voter participation and we cannot  
10 document a widespread statistically significant problem  
11 with voter fraud of the nature you're describing, would  
12 you feel that we ought to err on the side of inclusive  
13 and accessible election procedures?

14 REP. DENNY: I feel, Mr. Strama, that we  
15 need to maintain the integrity of our election process,  
16 and when people feel that their vote can be stolen from  
17 them by someone other than themselves voting that, that  
18 we need to take every precaution to make sure that they  
19 are the ones that are voting their ballots.

20 REP. STRAMA: But you know that, of  
21 course, if you go and vote your ballot and someone else  
22 tries to vote your ballot, that person will be  
23 identified, that the software and the election process  
24 flags that you voted, and if you try to vote twice, it's  
25 identifiable to the election officials?



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1 REP. DENNY: Well, one would certainly  
2 hope so. However, we have people that do show up on  
3 election day that have been notified that they have  
4 already voted somehow during early voting and we're  
5 trying to figure out how to put a stop to that, and  
6 certainly if they have to show up with a photo ID, that  
7 will help.

8 REP. STRAMA: You're aware that when we  
9 vote by mail, we're not required to show photo ID, is  
10 that correct?

11 REP. DENNY: Unless it's the first time.

12 REP. STRAMA: Unless it's the first time?

13 REP. DENNY: That's correct.

14 REP. STRAMA: So your bill applies by  
15 mail?

16 REP. DENNY: That's correct, at this  
17 time.

18 REP. STRAMA: Well, would you expect to  
19 come back here and apply these standards to absentee  
20 ballots by mail?

21 REP. DENNY: I don't know. We'll see how  
22 this goes.

23 REP. STRAMA: I asked a question a moment  
24 ago. Do you feel we should err on the side of inclusion  
25 and accessibility when it comes to this question; when



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1 we weigh the ballots between the fact that fewer than 50  
2 percent of eligible voters participate in our elections  
3 and we have some undocumented, unquantified amount of  
4 voter fraud that we can't really substantiate, don't you  
5 feel we ought to err on the side of inclusion and  
6 accessibility?

7 REP. DENNY: And I answered that by  
8 saying I think it's most important that we ensure the  
9 integrity of maintaining that you are the one that votes  
10 your ballot. I think that that is of the utmost  
11 importance.

12 REP. STRAMA: My last question. When  
13 this bill is implemented, we will have a lot of people  
14 going to the polls without the identification  
15 requirements in this bill, and I wonder if you have any  
16 plan for how we transition to the new requirement?

17 REP. DENNY: I don't think that -- I  
18 don't think that that will be the case, Mr. Strama. I  
19 think that there will be a huge voter education program  
20 in place to notify voters of the requirements of the ID  
21 so that no one will not know of this new requirement.

22 REP. STRAMA: Are we appropriating state  
23 fund for that voter education requirement?

24 REP. DENNY: The Secretary of State's  
25 office uses private funds. I have spoken with our new



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1 Secretary of State and he is, has already embarked on a  
2 effort to raise private funds to do all the voter  
3 education necessary to improve voter turn-out,  
4 regardless of what bills we pass in this legislative  
5 session, to do the utmost to get 100 percent voter  
6 participation.

7 REP. STRAMA: Thank you for answering my  
8 questions.

9 REP. DENNY: Thank you, Mr. Strama.

10 REP. BROWN: Mr. Speaker?

11 SPEAKER: For what purpose?

12 REP. BROWN: Will the lady yield?

13 REP. DENNY: I certainly do.

14 SPEAKER: The lady yields.

15 REP. BROWN: Did I share with you the  
16 incident we had in one of my counties this past time  
17 with someone voting multiple times?

18 REP. DENNY: I don't believe so,  
19 Ms. Brown.

20 REP. BROWN: Well, I'd like to let you  
21 know about that because I think it has a great bearing  
22 on what you're trying to do today. Someone was in line  
23 and bragging about the fact that she had voted three  
24 times that day. She was going around and picking up the  
25 voter registration cards from different people that she



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1 knew and then going to the polls and voting for that  
2 person, and she thought she was really doing a great  
3 service. But anyway, we stopped that, but we were only  
4 able to stop it after she had cast three or four votes,  
5 so this was to take care of it.

6 And one other thing I wanted to point out. Do  
7 you know how many of our judges and alternate judges and  
8 clerks at the polls are senior citizens?

9 REP. DENNY: Oh, many, many are senior  
10 citizens.

11 REP. BROWN: I was thinking I read  
12 somewhere over 80 percent are serving in that capacity.  
13 So I feel like that AARP didn't poll our election  
14 workers or they would have known, because those people  
15 who hold the elections know how difficult it is to make  
16 sure that the people who are voting are indeed qualified  
17 to do so. In fact, I know someone who worked as a judge  
18 that asked for ID one day and this lady started pulling  
19 out ID and she said, "Well, which one do you want?" She  
20 had about four or five identifications under different  
21 names in her purse.

22 REP. DENNY: Oh, my.

23 REP. BROWN: So it would solve that.

24 Thank you very much.

25 REP. DENNY: Thank you very much, and



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1 thank you for sharing that story because that does point  
2 out exactly why we need this legislation.

3 REP. BROWN: I think this bill is long  
4 overdue. Thank you.

5 REP. DENNY: Thank you very much,  
6 Ms. Brown.

7 REP. WOOLLEY: Mr. Speaker.

8 SPEAKER: For what purpose, Ms. Woolley?

9 REP. WOOLLEY: Will the lady yield?

10 REP. DENNY: I certainly do.

11 SPEAKER: The lady yields. Just about  
12 one minute.

13 REP. WOOLLEY: Ms. Denny, I don't  
14 believe it's too much to ask people to be able to prove  
15 who they are if they're going to vote, do you?

16 REP. DENNY: No, ma'am, I don't.

17 REP. WOOLLEY: Wouldn't you say it's true  
18 that every time a vote is cast fraudulently, it  
19 disenfranchises those who have cast legal votes?

20 REP. DENNY: I certainly do, and I'm glad  
21 you brought that up.

22 REP. WOOLLEY: And isn't -- doesn't your  
23 bill have a provision for free picture voter IDs given  
24 by DPS?

25 REP. DENNY: Oh, there are many, many



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1 forms of photo ID that are available, and certainly a  
2 free one issued to anyone that shows need for that,  
3 absolutely.

4 REP. WOOLLEY: Well, Ms. Denny, I think  
5 you've got a fair bill, one that we all should be able  
6 to support if we believe in legal voting and getting rid  
7 of the fraud that's being perpetrated on our voting  
8 system.

9 REP. DENNY: Thank you, Ms. Woolley. I  
10 appreciate that.

11 SPEAKER: Mr. Kaufman raises a point of  
12 order that the lady's time has expired. The point of  
13 order is well taken and sustained.

14 REP. CHAVEZ: Mr. Speaker, I ask that the  
15 lady's time be yielded. This is an important issue to  
16 all of us.

17 SPEAKER: Ms. Chavez moves that the  
18 gentle lady's time be extended. Is there objection?  
19 Mr. Nixon objects.

20 REP. CHAVEZ: I'd like to raise it to a  
21 vote.

22 SPEAKER: Members, there's a division  
23 vote on Ms. Chavez's motion to extend time. All those  
24 in favor, vote "I;" opposed, vote "Nay." Division  
25 vote.



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1 Strike the board. Motion carries. The  
2 time is extended. The lady yields.

3 REP. CHAVEZ: Thank you, Mr. Speaker.  
4 Thank you, Chairwoman Denny. I appreciated our  
5 conversation.

6 A couple of questions. On page four of your  
7 bill, number 3, "A valid employee identification card  
8 that contains the person's photo and is issued by a  
9 employer of the person," would that also include a union  
10 card?

11 REP. DENNY: Only if it's issued by the  
12 employer.

13 REP. CHAVEZ: Okay. A union card is  
14 usually issued by the union, so a union card photo ID  
15 would not be acceptable.

16 REP. DENNY: I don't believe so,  
17 Ms. Chavez.

18 REP. CHAVEZ: Okay. Did you know that  
19 not all U.S. citizenship certificates contain the  
20 person's photographs; the ones from 20, 30 years ago may  
21 not have a photo?

22 REP. DENNY: Okay.

23 REP. CHAVEZ: Okay. And also, and I  
24 spoke to you about this on other acceptable  
25 documentation.



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1 REP. DENNY: Uh-huh.

2 REP. CHAVEZ: Could you clarify for me  
3 that on page 5, line 7, "Identification card issued to a  
4 person by a governmental entity of the state," will  
5 include a federally qualified health center or an FQHC,  
6 that that would be acceptable?

7 REP. DENNY: Right, that is a federally  
8 issued medical card for benefits.

9 REP. CHAVEZ: Okay. So that would be  
10 eligible?

11 REP. DENNY: That would be, uh-huh.  
12 Whether it's a photo or non-photo ID, that would be  
13 covered.

14 REP. CHAVEZ: And are you aware that many  
15 elderly senior citizens don't have a driver's license  
16 and haven't driven in 15, 20 years?

17 REP. DENNY: Yes.

18 REP. CHAVEZ: That they're in public  
19 housing, high rises, and I've got -- I've got two public  
20 housing senior high rises in my district and these  
21 people have lived there 15, 20, 25 years, and they don't  
22 have photo IDs.

23 REP. DENNY: Right.

24 REP. CHAVEZ: They definitely don't have  
25 driver's license. They have a grocery store, you know,



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1 within walking distance, they go and buy their  
2 groceries, they come back, and their life --

3 REP. DENNY: Right, and Ms. Chavez, you  
4 don't have to have that photo ID, you just need two  
5 forms of the photo ID and they'll have a Medicare or a  
6 Medicaid card or mail where they receive a benefits  
7 check, and those would work.

8 REP. CHAVEZ: But don't you agree that  
9 this is going to be an obstacle that they haven't had to  
10 do and that some of them are going to consider this as a  
11 act of intimidation?

12 REP. DENNY: Oh, I wouldn't think so at  
13 all. You know, if you prize your right to vote and you  
14 don't want someone to steal that vote from you, just  
15 taking the envelope that has your name on it, and I'm  
16 assuming that they would carry their Medicaid card with  
17 them just like we carry our forms of ID in our wallet.

18 REP. CHAVEZ: When you go vote, the new  
19 immigrants, especially Mexican Americans, new, first  
20 generation immigrants, have been subjected to laws like  
21 Proposition 187 in California, which created a huge  
22 under class of people and also a fear of the government  
23 and a fear to have to present anything other than what  
24 they need to. So they would see this as a deterrent or  
25 an obstacle, an obstacle to voting because, all of a



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1 sudden, they want more information.

2 They're so fearful of losing their benefits,  
3 of losing what they have. They became citizens, they  
4 decided to play by the rules, and all of a sudden, they  
5 have to provide information. Because I had this  
6 situation when I worked on the John Kerry campaign in  
7 New Mexico, okay, and even though it was New Mexico, she  
8 was required to have a photo ID with her voter card and  
9 she didn't have a photo ID. She never drove in her  
10 life, and I asked her for -- in Spanish, she didn't  
11 speak English. I asked her, "Do you have your Medicare,  
12 your Medicaid card?" "No, no lo tengo." "Do you have  
13 your Social Security card? "No tengo."

14 She said she didn't have a Social Security  
15 card. So when she ate lunch at her nutrition program, I  
16 asked her if I could go through her cards, and I said,  
17 you know, (Speaking in Spanish,) and in those cards, she  
18 had her Medicare, she had her Medicaid, but this is a  
19 perfect example of people who do not know that they have  
20 these things.

21 She doesn't run to the hospital, run to the  
22 health center to get benefits. She didn't even know she  
23 had a Medicaid card. So we are --

24 This bill, to me, definitely puts obstacles to  
25 people, especially first generation immigrants to this



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1 country. You know, your elderly, elderly people, old  
2 people are not accustomed to having to present this  
3 thing and you are going to see them not coming to the  
4 polls.

5 REP. DENNY: Well, when the first  
6 generation Americans that are naturalized citizens go  
7 through the class that they have to take to become  
8 naturalized citizens, they are taught what is required  
9 of being a U.S. citizen, and part of that, in Texas, is  
10 when you vote, if this law becomes effective, in effect,  
11 will be that you have to show a form of identification,  
12 a photo ID or two forms of non-photo ID, just as you do  
13 to conduct any other type of business, and it will just  
14 become the way it is, and as you said, she had that form  
15 of ID with her.

16 REP. CHAVEZ: She didn't know it though,  
17 she didn't know.

18 REP. DENNY: She knew she had the --

19 REP. CHAVEZ: No, she did not know.

20 REP. DENNY: Oh, she didn't know.

21 REP. CHAVEZ: She did not. She said went  
22 back and she said (Speaking in Spanish.) "I couldn't  
23 vote, they didn't let me vote, I don't have the  
24 necessary documents," and I sat down with her and I  
25 said, "Let me go through your billfold," and I found



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1       them, and I said, "Yes, you do," and I took her back  
2       into vote, okay.

3               That's labor intensive, okay. When we passed  
4       federal legislation that took away food assistance to  
5       legal immigrants, legal immigrants, okay?

6               REP. DENNY: Right.

7               REP. CHAVEZ: Thousands of them became,  
8       hundreds of thousands of them became U.S. citizens,  
9       okay, because they had worked, they had the work  
10      requirement and they now were being subjected to  
11      something, and I am talking about old people.

12              One of the seniors in my district who college  
13      educated his kids by shining shoes in El Paso, he  
14      finally, at 78, got his citizenship. These are real  
15      people.

16              REP. DENNY: Of course.

17              REP. CHAVEZ: Okay, he doesn't have, he  
18      didn't have those kinds of forms of ID. He didn't ever  
19      drive. He just shined shoes and sent his kids to  
20      school, and now you're going to sit there and put this  
21      obstacle and require more documents.

22              REP. DENNY: But he has to have forms of  
23      identification to get along in this world. And so he  
24      will have to, if this bill goes into effect, have to  
25      have forms of identification to vote, so he can show



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1 that he is who he says he is.

2 REP. CHAVEZ: I believe that elderly  
3 people, elderly people are qualified at age 50 to become  
4 members of AARP, and I believe out of respect for the  
5 more than 2 million AARP members and elderly, that we  
6 should exempt them from this requirement.

7 REP. DENNY: No, I disagree.

8 REP. CHAVEZ: And I have an amendment to  
9 do that, and I would also like to talk to you a little  
10 bit about the poll judges. Okay, you also have judges  
11 who are going to interpret this, and I know, because I  
12 have it in my district, they're going to interpret this  
13 as you don't have a photo ID, you can't vote.

14 REP. DENNY: Ms. Chavez, let me refer you  
15 to page 2, line 1 of the bill, where it says that the  
16 voter shall be accepted. That means there is no subject  
17 to interpretation by the poll workers. They will accept  
18 every voter for voting.

19 REP. CHAVEZ: Provisional, okay.

20 REP. DENNY: For provisional. Yes; I  
21 mean, we don't any longer have a challenged voter.

22 REP. CHAVEZ: I'm glad you brought that  
23 up.

24 REP. DENNY: They can vote that ballot  
25 provisionally.



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1 REP. CHAVEZ: Okay. So I do discussed  
2 this --

3 REP. DENNY: And if they have the forms  
4 of ID that are allowed and they're on the voter list,  
5 that vote will be counted.

6 REP. CHAVEZ: I spoke to you, but you had  
7 to come and lay out your bill, about an amendment that  
8 would require that all polling places to have a list of  
9 the acceptable documents.

10 REP. DENNY: Yes. To have that posted,  
11 and I told you I would accept that amendment.

12 REP. CHAVEZ: Okay, and I could I add to  
13 that under the section that you just stated that a  
14 provisional voting ballot will be provided to anyone who  
15 comes to vote and presents --

16 REP. DENNY: Well, let me see your  
17 amendment.

18 REP. CHAVEZ: Okay.

19 SPEAKER: For what purpose, Mr. Jackson?

20 REP. JACKSON: Will the lady yield?

21 REP. DENNY: I certainly do.

22 SPEAKER: The lady yields.

23 REP. JACKSON: Ms. Denny, Representative  
24 Bernham testified earlier, correctly, that AARP has two  
25 million members in Texas and they oppose this. Are you



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29

1 aware I'm a member of AARP?

2 REP. DENNY: Yes, sir. Well, no, I'm not  
3 aware you're a member.

4 REP. JACKSON: Yes, yes. You know, I bet  
5 there are other members.

6 REP. DENNY: Assuming you're over 50, as  
7 am I.

8 REP. JACKSON: And I bet there are other  
9 people on the House floor that are members of AARP.

10 REP. DENNY: Oh, I bet there's one or  
11 two.

12 REP. JACKSON: And I don't believe AARP's  
13 position represents all of us. I know it doesn't  
14 represent me.

15 REP. DENNY: I know it doesn't represent  
16 me either, Mr. Jackson.

17 REP. JACKSON: And Representative Denny,  
18 isn't there a section of the bill where DPS will issue  
19 ID cards at no cost?

20 REP. DENNY: Absolutely, there certainly  
21 is.

22 REP. JACKSON: So this is not a poll tax.  
23 There's not any cost to doing this, qualifying to vote  
24 under this bill.

25 REP. DENNY: No, you're exactly right.



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30

1 REP. JACKSON: Representative Denny,  
2 let's think of some of the things you can't do without  
3 an ID card. I rented a movie the other day and had to  
4 show my driver's license.

5 REP. DENNY: I know it. That's correct.

6 REP. JACKSON: Went to a clinic. I had  
7 to show them my driver's license.

8 REP. DENNY: Yes, sir.

9 REP. JACKSON: Got on an airplane, had to  
10 show my driver's license. Drove a car and had to have a  
11 driver's license. You know, us just have to have ID to  
12 do near anything, don't you?

13 REP. DENNY: Yes, sir, you do.

14 REP. JACKSON: I think voting is so  
15 important that it's not unreasonable to expect people to  
16 ID themselves, don't you?

17 REP. DENNY: I do indeed.

18 REP. JACKSON: It's a good bill,  
19 Mrs. Denny.

20 REP. DENNY. Thank you, Mr. Jackson. I  
21 appreciate that.

22 REP. OLIVO: Mr. Speaker.

23 SPEAKER: Mr. Kaufman. I'm sorry,  
24 Mr. Kaufman raises a point of order. The gentle lady's  
25 time has expired.



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31

1 REP. OLIVO: Mr. Speaker, I --

2 SPEAKER: The order is well taken and  
3 sustained.

4 REP. OLIVO: I request an extension of  
5 time on this. This is an important issue. We need more  
6 time on it.

7 SPEAKER: Ms. Olivo requests -- makes a  
8 motion to extend time. Is there an objection? There is  
9 objection.

10 REP. OLIVO: I'd like to vote on it.

11 SPEAKER: Okay. Members, this requires  
12 unanimous consent. Is there objection? Yes, there is  
13 objection. Following the amendment, the clerk will read  
14 the amendment. We have 11 amendments, members, and  
15 counting.

16 THE CLERK: Amendment by Chavez.

17 SPEAKER: The Chair recognizes  
18 Ms. Chavez.

19 REP. CHAVEZ: Mr. Speaker, members, what  
20 this amendment does is simply allows a voter over the  
21 age of 50 to present his or her voter registration card  
22 the way they always have. That's it. It's very  
23 simple.

24 The 50 years old is when someone is eligible  
25 to be a member of AARP, and out of respect for a



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1 generation who has dedicated their lives to a spot in  
2 the armed services, who has given and been part of laws  
3 that have been anti-discriminatory against minority  
4 communities, we should give them the right to be exempt  
5 at age 50.

6 SPEAKER: The Chair recognizes Ms. Denny  
7 against the amendment.

8 REP. OLIVO: Members, Mr. Speaker.

9 SPEAKER: Yes, ma'am, for what purpose?

10 REP. OLIVO: Will the gentle lady yield?

11 SPEAKER: Do you yield for a question?

12 REP. DENNY: I'll yield.

13 SPEAKER: The lady yields.

14 REP. OLIVO: Representative Denny?

15 REP. DENNY: Yes, ma'am.

16 REP. OLIVO: I'm very concerned about  
17 this particular legislation. Do you know that there's a  
18 lot of people out there, like my father and my mother.  
19 My father is 86, my mom is 84, and if I look at my mom  
20 and I look at the requirement you have, you require,  
21 according to your bill, on some of the ID's, you require  
22 a driver's license or personal ID, right?

23 REP. DENNY: A photo ID, yes.

24 Ms. Olivo, I'm speaking against the amendment. I'm up  
25 here to speak against Ms. Chavez's amendment.



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1 REP. OLIVO: Okay. Well, let me let you  
2 do that, then I'll come back on.

3 REP. DENNY. Okay.

4 REP. OLIVO: Thank you.

5 REP. DENNY: Ms. Chavez's amendment would  
6 exempt someone 50 years or older, and that defeats part  
7 of the purpose of the bill, and so I would move to table  
8 Ms. Chavez's amendment and ask you --

9 REP. URESTI: Mr. Speaker?

10 REP. DENNY: -- to vote yes on the  
11 amendment. I mean, vote yes on the motion to table.

12 REP. URESTI: Mr. Speaker?

13 REP. DENNY: We need to --

14 SPEAKER: Mr. Uresti?

15 REP. URESTI: Will the gentle lady yield  
16 for a question?

17 SPEAKER: Will you yield for a question?

18 REP. URESTI: On the amendment.

19 SPEAKER: The lady yields.

20 REP. DENNY: I do..

21 REP. URESTI: Thank you, Representative.  
22 Denny. I have a question for you on the amendment.  
23 Ms. Denny, did you read the HRO report that was put out  
24 on this bill?

25 REP. DENNY: Yes.



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34

1 REP. URESTI: And did you disagree with  
2 any of the aspects that were in the HRO report?

3 REP. DENNY: Yes, I do disagree.

4 REP. URESTI: Did you agree with the  
5 portion of it that supports the bill?

6 REP. DENNY: No.

7 REP. URESTI: You didn't agree with the  
8 portions related to the --

9 REP. DENNY: I do agree with the portions  
10 that are supportive of the bill.

11 REP. URESTI: But you disagree, I assume,  
12 with the portions that oppose your bill, correct?

13 REP. DENNY: On some of them.

14 REP. URESTI: Okay. Did you read the  
15 part about, and this goes to Representative Chavez's  
16 amendment, because we're talking about our senior  
17 citizens, which, to me, includes a lot of our World War  
18 II Veterans, but did you read the part about where it  
19 reads, under the bill, the state of Texas could have the  
20 distinction of throwing out the vote of a World War II  
21 veteran on a technicality? Did you read that part?

22 REP. DENNY: Yes, I did, and I disagree  
23 with that because I don't see how anybody's vote would  
24 be thrown out?

25 REP. URESTI: So why would that be in



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1 this HRO report?

2 REP. DENNY: I don't know. Sometimes HRO  
3 does not, I think, does not interpret the amendment  
4 correctly.

5 REP. URESTI: So Representative Denny,  
6 you do not agree that it's possible that somebody's vote  
7 could be thrown out on a technicality?

8 REP. DENNY: No, I do not, because anyone  
9 that shows up with the proper form of identification,  
10 their bill -- I mean, their ballots will be cast and  
11 voted and counted.

12 REP. URESTI: Last session, we worked on  
13 the HAVA bill in your committee. I'm sure you remember  
14 that well. And did you read in the part in this HRO  
15 that states that this bill is inconsistent with the  
16 federal HAVA laws? Do you agree with that statement?

17 REP. DENNY: It does go further. It's  
18 not inconsistent, and Representative Uresti, a veteran  
19 would have a government issued photo ID.

20 REP. URESTI: I'm sorry, I didn't hear  
21 you.

22 REP. DENNY: A veteran would have a photo  
23 ID.

24 REP. URESTI: Well, you're assuming they  
25 haven't lost their ID.



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1 REP. DENNY: I'm sorry, I'm assuming  
2 what?

3 REP. URESTI: You're assuming they  
4 haven't lost their ID. And I think that's the whole  
5 problem.

6 REP. DENNY: Well, they can get another  
7 one.

8 REP. URESTI: But what if they lose it  
9 the day before the election? See, that's the whole  
10 problem, Representative Denny, respectfully, with this  
11 bill.

12 REP. DENNY: Well, they have other forms  
13 of ID.

14 REP. URESTI: There are a lot of  
15 assumptions made in this bill that everybody carries  
16 their wallet, everybody carries their purse, has all of  
17 their ID, they're all current, and I think that's a  
18 wrong assumption. In a perfect world, I think you're  
19 correct, but we don't live in a perfect world, and I  
20 think that's the problem that our Veterans all have  
21 their IDs.

22 I can name you a number of Veterans that have  
23 last their DV 214s, which is the most important record  
24 that they should have, and they've lost them. Would you  
25 agree with that statement?



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1 REP. DENNY: That does happen, yes,  
2 indeed it does, but there are provisions for getting  
3 another one.

4 REP. URESTI: You're right. But the  
5 question then is, would they be able to get it in time  
6 to vote, and that's the problem.

7 REP. DENNY: Early voting goes on for a  
8 long period of time.

9 REP. URESTI: Have you ever tried to get  
10 a military ID, Representative Denny?

11 REP. DENNY: No, sir, I haven't.

12 REP. URESTI: Okay. Do you have any idea  
13 how long it would take to get a military ID?

14 REP. DENNY: But getting one from --  
15 getting an ID from DPS, you can get the receipt that you  
16 have applied for that or you can get that online or you  
17 can get one in person, in one day, in a few hours.

18 REP. URESTI: How many senior citizens do  
19 you think can get on the computer and get online and  
20 order a DPS identification card?

21 REP. DENNY: Anyone that has computer  
22 access, and that's available free of charge at a  
23 library.

24 REP. URESTI: At the library, and that's  
25 assuming they have transportation and they're not



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1 disabled, correct?

2 REP. DENNY: That is true.

3 REP. URESTI: And according to this HRO,  
4 it appears that this bill would strip away many of those  
5 opportunities that HAVA, the bill that you passed last  
6 session, provided to our disabled Veterans, do you  
7 realize that?

8 REP. DENNY: No, I don't believe that it  
9 does.

10 REP. URESTI: I understand the intent of  
11 your bill is to get to voter fraud, but do you not agree  
12 that the end result is going to actually have the  
13 adverse effect in that we're going to discourage or  
14 hinder or prohibit more voters, more people from  
15 exercising their most fundamental right?

16 REP. DENNY: I disagree with that.

17 REP. URESTI: Thank you, Representative  
18 Denny.

19 REP. DENNY: Thank you, Mr. Uresti.

20 REP. GIDDINGS: Mr. Speaker?

21 SPEAKER: Yes, ma'am, for what purpose.

22 REP. GIDDINGS: Will the gentle lady  
23 yield?

24 SPEAKER: Will you yield?

25 REP. DENNY: I yield.



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1 SPEAKER: The lady yields.

2 REP. GIDDINGS: Chairman Denny, let me  
3 say from the very beginning that I have no doubt that  
4 your intention and what you're trying to do are good  
5 and honorable, but Chairman Denny, I think we have to  
6 not look at your intentions as it relates to this bill  
7 but that we have to look at the results of what this  
8 bill will do, and as it relates to this particular  
9 amendment before you, I do think that we ought to try  
10 and make it as easy as possible for the elderly to vote.

11 Would you not agree with that?

12 REP. DENNY: Well, I think it's already  
13 quite easy for the elderly to vote, Representative  
14 Giddings.

15 REP. GIDDINGS: Well, you mentioned the  
16 fact, Chairman Denny, that one can get this free  
17 identification cards from the DPS. Many of our senior  
18 citizens, I'm not sure that you're aware, do not have  
19 the transportation and the where-with-all to get to the  
20 office of the Department of Public Safety to get this  
21 card. Are you aware of that?

22 REP. DENNY: I understand that it might  
23 be more difficult for some than for others, yes.

24 REP. GIDDINGS: I think there's a  
25 possibility that young people might be able to get



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1 through what you're trying to do here, again, realizing  
2 what your intentions are, but looking at the results, I  
3 think the results in terms of elderly people attempting  
4 to vote, and many of them are so passionate about this,  
5 we don't want to discourage them.

6 I think the result of this is that a lot of  
7 elderly people are going to have great difficulty  
8 voting, and may I just say, Representative Denny, as  
9 much as you and I like to believe otherwise, there are  
10 those people out there who would try to take away the  
11 right of someone to vote. Are you aware of that?

12 REP. DENNY: I find that difficult to  
13 believe, but I certainly will take your word for it.

14 REP. GIDDINGS: Well, I will tell you in  
15 an upscale area where I vote, I have been in the line  
16 with other people who have just had their voter  
17 identification card and they have been allowed to vote,  
18 and in that same line, upon occasion, in addition to my  
19 voter registration card, I have been asked to present  
20 photo ID, even though the person who was there at the  
21 polls knew exactly who I was. Would you find that hard  
22 to believe?

23 REP. DENNY: No, I certainly believe you,  
24 if you tell me that, certainly.

25 REP. GIDDINGS: Well, those kinds of



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41

1 things do happen, and Representative Denny, I'm going  
2 back to saying I have no doubt about your intentions,  
3 that they're good and that they're honorable, but I am  
4 very concerned about the results of what this bill will  
5 do, particularly to the elderly. Thank you.

6 REP. DENNY: Thank you, Ms. Giddings.

7 MS. OLIVO: Mr. Speaker.

8 SPEAKER: Yes, Ms. Olivo, for what  
9 purpose?

10 REP. OLIVO: Will the gentle lady yield?

11 SPEAKER: Do you yield?

12 REP. DENNY: I do.

13 SPEAKER: The lady yields.

14 REP. OLIVO: This amendment,  
15 Representative Denny, would allow people 50 years and  
16 older not to present all this identification you're  
17 talking about, is that correct?

18 REP. DENNY: I'm sorry, could you say  
19 that again, please?

20 REP. OLIVO: This amendment that  
21 Ms. Chavez has in front of you would allow people that  
22 are 50 years and older not to have to comply with all  
23 this different types of identification that you're  
24 saying that they need to take now to vote.

25 REP. DENNY: Yes, that's correct.



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1 REP. OLIVO: Well, you know, I mean, that  
2 creates a real burden for people like my parents and  
3 others that are in their 80s or older, or even 50 and  
4 older, when they have to do, go through all this  
5 rig-a-marole. You know, my parents have voted, my  
6 parents have voted all their lives, one is 86 and one is  
7 84, and there's a lot of people like that in the state  
8 of Texas that have been voting diligently, and let me  
9 tell you, do you know that there's evidence out there  
10 that shows that generally people stop committing crimes  
11 as they get older, so maybe my question is --

12 SPEAKER: Mr. Crabb raises a point of  
13 order. The lady's time is expired. The point of order  
14 is well taken and sustained.

15 REP. OLIVO: I would request an extension  
16 at this time.

17 SPEAKER: Ms. Olivo has requested that  
18 her time be extended. Is there objection? There is  
19 objection.

20 REP. OLIVO: So can we vote on it?

21 SPEAKER: Ms. Olivo asks for time to be  
22 extended. It is a division vote.

23 The division vote, members, on time extension.

24 Strike the board. Time is extended. The lady  
25 yields.



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1 REP. OLIVO: Ms. Denny, this amendment,  
2 don't you agree, is something that will take the load  
3 off the people that you're trying to burden with your  
4 particular bill right now?

5 REP. DENNY: Well, I'm not trying to  
6 burden anyone.

7 REP. OLIVO: Well, that's what you're  
8 doing.

9 REP. DENNY: I don't feel that it's a  
10 burden, an undue burden to anyone to show who you say  
11 you are, to show ID, and I certainly think 50 is not  
12 elderly, even though AARP likes to open up their  
13 membership to young folks 50.

14 REP. OLIVO: Well, maybe if we're talking  
15 about ethics, we must be looking elsewhere. Thank you,  
16 Ms. Denny.

17 REP. DENNY: Thank you.

18 REP. BRANCH: Mr. Speaker, does the lady  
19 yield?

20 REP. DENNY: I certainly do.

21 SPEAKER: The lady yields.

22 REP. BRANCH: Thank you, Chairman. I am  
23 puzzled at some of the questions I'm hearing, and I just  
24 wanted to ask you, it seems to me whether we were  
25 talking about the same bill, we had questions about and



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1 showing concern for the elderly and voting, and I've  
2 worked a lot of polling stations, as you know, and I  
3 think some of the best voters in terms of disciplined  
4 voters are senior citizens, and they are, to me, very  
5 concerned about voting on a regular basis. Has that  
6 been your experience?

7 REP. DENNY: Absolutely, Mr. Branch.

8 REP. BRANCH: And it seems to most  
9 concerned about the integrity of the ballot.

10 REP. DENNY: Absolutely.

11 REP. BRANCH: And they are often the  
12 ones -- the best workers in terms of polling places are  
13 often our seniors that take this civic duty so  
14 passionately.

15 REP. DENNY: Absolutely, and I think it  
16 was Representative Jackson or someone previously stated  
17 that so many of our poll workers are senior citizens  
18 that work so hard and give so much to this system.

19 REP. BRANCH: And it seems to me that  
20 some of the questions out of this apparent concern, I'm  
21 sure it is a legitimate concern, for our seniors, that  
22 the questions seem to be, well, isn't this going to be  
23 an additional burden, and you've tried to answer those  
24 to suggest it's not.

25 REP. DENNY: Yes, I have tried.



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1 REP. BRANCH: And I mean, right now, I  
2 guess it's a burden that one has to transport oneself to  
3 a polling station, whether you vote early or on the  
4 election day, isn't that correct?

5 REP. DENNY: It is.

6 REP. BRANCH: I mean, we don't allow  
7 people to vote at home or over the Internet.

8 REP. DENNY: Well, you can vote from home  
9 by mail if your over 65.

10 REP. BRANCH: Right.

11 REP. DENNY: And this bill doesn't touch  
12 that provision in the least.

13 REP. BRANCH: Yes, if you choose an  
14 absentee ballot route.

15 REP. DENNY: That's correct.

16 REP. BRANCH: But if you're going to vote  
17 at the polls, you have to get up, you have to get  
18 dressed, you have to find transportation. You have to  
19 be responsible, right, you have to actually vote?

20 REP. DENNY: That's correct.

21 REP. BRANCH: In your bill, don't you  
22 just call for either a photo ID, which you explained to  
23 everyone that you can get free of charge.

24 REP. DENNY: That's correct.

25 REP. BRANCH: Or two other valid forms



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JA\_008609

TX\_00211352

1 that are without photo.

2 REP. DENNY: That is correct.

3 REP. BRANCH: So if you don't have some  
4 photo IDs, you've got other ways. If you don't have a  
5 photo and you want one, you can get one free of charge.

6 REP. DENNY: That's correct, and the list  
7 is extensive.

8 REP. BRANCH: But that actually takes  
9 someone asking and thinking and being thoughtful and  
10 responsible about their duty as a citizen so vote.

11 REP. DENNY: Right, but as you already  
12 pointed out, you're dealing with the most responsible  
13 and thoughtful citizenry that we deal with.

14 REP. BRANCH: And so therefore, they  
15 would appreciate the fact that no one will be able to  
16 defraud them of their vote because we have some sort of  
17 minimal modest safeguards as to the integrity of  
18 ultimately one of the highest rights in the democracy  
19 that transfers powers to government.

20 REP. DENNY: That's the way I see it,  
21 Mr. Branch.

22 REP. BRANCH: Thank you.

23 REP. DENNY: Thank you.

24 SPEAKER: For what purpose?

25 REP. GIDDINGS: Will the gentle lady



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1 yield?

2 REP. DENNY: I do, Ms. Giddings.

3 SPEAKER: The lady yields.

4 REP. GIDDINGS: Thank you, Chairman  
5 Denny. I suppose I really want -- should have been  
6 asking this question of Representative Branch but it is  
7 a form of democracy, and let's just face it, one of the  
8 reasons that this debate is so heated and people take it  
9 so personally, I'm sure you're aware, are you not, that  
10 for many years, people of color were denied this right?

11 REP. DENNY: Yes, ma'am, I certainly am.

12 REP. GIDDINGS: Many people died for this  
13 right.

14 REP. DENNY: I know that, of course.

15 REP. GIDDINGS: And even women, for a  
16 long time, did not have this right.

17 REP. DENNY: You're so right.

18 REP. GIDDINGS: And because this right  
19 was such a hard fought battle, we take it very, very  
20 seriously; and I think we should, don't you?

21 REP. DENNY: You bet we do, and  
22 rightfully so.

23 REP. GIDDINGS: And as it relates to the  
24 fact that people get up and get out and they can't vote  
25 by the Internet, are you aware that in terms of senior



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1 citizens, which is my biggest concern, many times we  
2 have rides to the polls for these senior citizens, do we  
3 not?

4 REP. DENNY: Yes, we do.

5 REP. GIDDINGS: Yes, we do. Thank you.

6 REP. MORENO: Mr. Speaker.

7 SPEAKER: For what purpose, Mr. Moreno?

8 REP. MORENO: Will the member yield,  
9 please?

10 REP. DENNY: I certainly do.

11 SPEAKER: The lady yields.

12 REP. MORENO: Ms. Denny.

13 REP. DENNY: Yes, sir.

14 REP. MORENO: Let me ask you some down to  
15 life questions.

16 REP. DENNY: Yes, sir.

17 REP. MORENO: How old do you think I am?

18 REP. DENNY: I have no idea.

19 REP. MORENO: I turned 74 years old.

20 REP. DENNY: Good for you.

21 REP. MORENO: How long do you think I've  
22 been voting?

23 REP. DENNY: How long have you been  
24 voting?

25 REP. MORENO: Yes, ma'am.



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1 REP. DENNY: Since you were 21.

2 REP. MORENO: That's right. That's a  
3 long time ago.

4 REP. DENNY: Yes, sir.

5 REP. MORENO: You have read about the  
6 infamous poll tax.

7 REP. DENNY: Poll tax, yes, sir, of  
8 course. I remember the poll tax.

9 REP. MORENO: All right. You never had  
10 one in your life, did you?

11 REP. DENNY: No, sir.

12 REP. MORENO: I did, and did you know  
13 that that poll taxes, back in those days, cost \$1.75,  
14 and we're talking about 50, 60 years ago, \$1.75 was a  
15 lot, a lot of money.

16 You believe that, do you not?

17 REP. DENNY: I certainly do.

18 REP. MORENO: Do you know that the poll  
19 tax did not have a picture?

20 REP. DENNY: I don't know but I'll take  
21 your word for it.

22 REP. MORENO: It did not. It did not  
23 have a picture of the poll tax. Why, why don't you  
24 think it had a picture?

25 REP. DENNY: I don't know.



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1 REP. MORENO: The reason is that the big  
2 boys in big cities used to go and buy poll taxes, buy  
3 them, and at that time, there was no question because  
4 the state or the county, whomever it was, was making  
5 money out of the poll taxes. That is the reason. All  
6 right. So now your objective is to have clean  
7 elections. I am correct, right?

8 REP. DENNY: Yes, sir.

9 REP. MORENO: All right. That is also my  
10 concern, to have clean elections. If that is the -- is  
11 your goal, why do you think that only us Mexican  
12 Americans, Chicanos, my black brothers and sisters, are  
13 asking you concerned questions about this? Why do you  
14 think we are?

15 REP. DENNY: I don't know, but I do know  
16 that there are some of you that are in support of this  
17 legislation.

18 REP. MORENO: The reason is that since  
19 some of you want and it is your desire and my desire to  
20 have clean elections, it is our belief, our belief that  
21 what you are doing with a bill like this, you are  
22 intimidating our voters into not voting. That is the  
23 reason that why my black brothers and sisters and us  
24 brown folks are so opposed to this bill. Would you  
25 believe that?



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1 REP. DENNY: Well, I'll believe that if  
2 that's what you say, but as I said, there are several of  
3 the minority members here, Mr. Moreno, that are  
4 supportive of this legislation.

5 REP. MORENO: Would you also believe that  
6 in all my years that I've been in politics, I can swear  
7 to you on my mother's grave, which is a very, very dear  
8 swearing that I do, on my mother's grave, that I have  
9 never, never seen a person that is not qualified to  
10 vote, vote; would you believe that?

11 REP. DENNY: Of course I would. If you  
12 say so, I believe you.

13 REP. MORENO: Do you have minority  
14 members favoring this bill?

15 REP. DENNY: I do.

16 REP. MORENO: I do. All right. Now let  
17 me ask you some other practical questions.

18 What are the ways that a person can prove  
19 citizenship?

20 REP. DENNY: Prove citizenship?

21 REP. MORENO: Yes, sir, right now.

22 REP. DENNY: With a birth certificate or  
23 naturalization papers.

24 REP. MORENO: Or a passport?

25 REP. DENNY: Passport, yes.



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1 REP. MORENO: All right. Now to have  
2 something in you, you should have a wallet, shouldn't  
3 you?

4 REP. DENNY: Well, that's one way.

5 REP. MORENO: Do you believe I do not  
6 carry a wallet?

7 REP. DENNY: Sure.

8 REP. MORENO: Do you believe that I don't  
9 carry a wallet because of the fact that I'm in a wheel  
10 chair and it is very inconvenient to me to carry a  
11 wallet, and if I

12 SPEAKER: Mr. Crabb raised the point of  
13 order, the gentleman's time is expired. The point of  
14 order is well taken and sustained.

15 REP. MORENO: Mr. Speaker, I want to  
16 extend the lady's time.

17 SPEAKER: Mr. Moreno has requested his  
18 time be extended. This requires unanimous consent.

19 REP. MORENO: Just a few more minutes.

20 SPEAKER: Excuse me?

21 REP. MORENO: Just a few more minutes.

22 SPEAKER: I understand.

23 Is there objection? There is none. Time  
24 is extended.

25 REP. MORENO: All right. Three ways of



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1 voting, of proving your citizenship; a citizenship  
2 certificate, passport, or birth certificate. Does a  
3 birth certificate have a picture on it?

4 REP. DENNY: No.

5 REP. MORENO: Does a passport have a  
6 picture?

7 REP. DENNY: Yes.

8 REP. MORENO: Does a naturalization  
9 certificate have a picture?

10 REP. DENNY: I understand that the newer  
11 ones does, yes, sir.

12 REP. MORENO: All right. Have you ever  
13 seen a naturalization certificate?

14 REP. DENNY: Yes, I have.

15 REP. MORENO: How big are they?

16 REP. DENNY: Not too big.

17 REP. MORENO: No, you're sadly mistaken.

18 REP. DENNY: Oh, they're large?

19 REP. MORENO: No, no, no.

20 REP. DENNY: They're tiny?

21 REP. MORENO: No, no, wait, wait, no, no.  
22 If you say they're small, you have never seen a  
23 naturalization certificate.

24 REP. DENNY: Well then, maybe I'm  
25 mistaken.



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1 REP. MORENO: No, no, they're huge.  
2 They're bigger -- they're bigger than this.

3 REP. DENNY: Okay.

4 REP. MORENO: All right. Now do you also  
5 know that it is illegal to copy a naturalization  
6 certificate, that you cannot have in your possession a  
7 copy of a naturalization certificate, that you must  
8 carry the original, the original document to be valid,  
9 do you know that?

10 REP. DENNY: Okay.

11 REP. MORENO: That is fact. That is  
12 fact, Ms. Denny.

13 REP. DENNY: Okay.

14 REP. MORENO: So you cannot carry a  
15 naturalization certificate because it is not -- it is  
16 not copied, it cannot be copied.

17 You cannot carry a birth certificate, and  
18 needless to say, a person in the barrio doesn't even  
19 know what a passport is. Do you agree with me?

20 REP. DENNY: This does say a certified  
21 copy of a birth certificate, but there are many, many  
22 forms --

23 This isn't for proving citizenship,  
24 Mr. Moreno, it's a photo ID or two forms of acceptable  
25 non-photo ID.



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1 REP. MORENO: Right, I understand.

2 REP. DENNY: Okay, okay. I just wanted  
3 to make sure.

4 REP. MORENO: But I'm talking about  
5 barrio people. You see, that's the troubling with  
6 people that are backing this bill. You do not  
7 understand there are people in the barrio that have  
8 fear, that do not trust, that do not trust governmental  
9 entities and are afraid to go have a picture taken for  
10 any reason.

11 REP. DENNY: You don't have to have a  
12 picture taken, Mr. Moreno. This allows for a library  
13 card or your Medicaid card, a Medicare card, a hunting  
14 and fishing license.

15 REP. MORENO: Well again, do you know  
16 that I do not have a fishing license? I do not have a  
17 Medicaid card.

18 REP. DENNY: I bet you have a Medicare  
19 card.

20 REP. MORENO: I don't have a -- The  
21 Medicare card doesn't have a picture.

22 REP. DENNY: But you don't have to have a  
23 picture.

24 REP. MORENO: Oh, so that's --

25 REP. DENNY: You can have two forms of



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1 non-photo ID.

2 REP. MORENO: Two forms; one has to have  
3 a picture?

4 REP. DENNY: No.

5 REP. MORENO: None?

6 REP. DENNY: If you do not have a photo  
7 ID, you can have two forms of non-photo ID.

8 REP. MORENO: So assuming I have a  
9 fishing license and assuming I have a Medicaid card --

10 REP. DENNY: You can have official mail  
11 addressed to the person from a governmental entity.  
12 There's quite a long list of non-photo IDs that are  
13 allowable.

14 REP. MORENO: Do you also know --

15 REP. DENNY: One being a utility bill, a  
16 bank statement, a government check, a paycheck or other  
17 government documents showing the voter's name and  
18 address.

19 REP. MORENO: But see, you're assuming,  
20 you're assuming sewage that everybody has these things.  
21 There are many people that have been in this country, in  
22 this state for hundreds of years, like Mr. Escobar's  
23 family. Mr. Escobar's family has been here since the  
24 1700s.

25 REP. DENNY: I understand that.



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1 REP. MORENO: They've been here for a  
2 long time.

3 REP. DENNY: Does he not get any mail?

4 REP. MORENO: Well anyway, just going  
5 back to my regular thing, the thing is that you're  
6 trying to make clean elections, and our objection is  
7 that what is happening is that by this process, you're  
8 intimidating some of our folks. That is our problem,  
9 but not to have crooked elections, I can assure you  
10 that, Ms. Denny.

11 REP. DENNY: Thank you, Mr. Moreno.

12 REP. MORENO: Thank you.

13 REP. DENNY: We're not trying to  
14 intimidate, we're just trying to make sure we're  
15 safeguarding the voter's vote.

16 REP. CASTEEL: Will the gentle lady  
17 yield?

18 REP. DENNY: I do.

19 SPEAKER: The lady yields.

20 REP. CASTEEL: Chairman Denny, it's my  
21 understanding that you're simply trying to protect the  
22 integrity of the ballot box.

23 REP. DENNY: That's exactly correct.

24 REP. CASTEEL: Not trying to prevent  
25 anybody. I know you're probably too young, but I happen



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1 to remember box 22.

2 REP. DENNY: Well, yes.

3 REP. CASTEEL: And you're trying to  
4 ensure that those kinds of things don't occur, is that  
5 correct?

6 REP. DENNY: That is absolutely correct,  
7 Ms. Casteel.

8 REP. CASTEEL: You're not trying to stop  
9 anyone from voting.

10 REP. DENNY: Not at all.

11 REP. CASTEEL: Chairman, you may not know  
12 this but I did go vote this past in Friday in my  
13 election in New Braunfels, and I took my grandchildren  
14 so they could see how it worked.

15 REP. DENNY: Good for you.

16 REP. CASTEEL: And I didn't have my voter  
17 registration. So what do I have to show, some  
18 identification?

19 REP. DENNY: Yes, you do.

20 REP. CASTEEL: I showed them a picture.  
21 They let me vote.

22 REP. DENNY: Good.

23 REP. CASTEEL. So that's all there was to  
24 it. I wasn't intimidated.

25 REP. DENNY: No.



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1 REP. CASTEEL: And that wouldn't change.  
2 Thank you.

3 REP. DENNY: Thank you, Ms. Casteel.

4 I move to table the amendment and urge  
5 you to vote "Yes" on the motion to table.

6 SPEAKER: Ms. Denny moves to table. The  
7 chair recognizes Ms. Chavez to close.

8 REP. CHAVEZ: Thank you, Mr. Speaker,  
9 members. I understand what the intent of Chairwoman  
10 Denny is trying to do because none of us want to see  
11 voter fraud. However, let's not throw the baby out with  
12 the bath water. This amendment simply allows a voter  
13 over the age of 50 to present his or her registration  
14 card to verify proof of identity in order to be able to  
15 vote.

16 REP. STRAMA: Will the lady yield?

17 SPEAKER: Mr. Strama, for what purpose?

18 REP. CHAVEZ: Not at this time, not at  
19 this time.

20 SPEAKER: Not at this time.

21 REP. CHAVEZ: Currently to register to  
22 vote, a person must supply a Texas driver's ID with the  
23 license number or an ID issued by the Department of  
24 Public Safety, the last four digits of a personal Social  
25 Security number or a statement that the person has



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1       neither of these two items.

2               This information is in addition to the person's  
3       name, date of birth, address, statement of citizenship  
4       and county of residency.

5               I believe it is right for us to take into  
6       consideration the history of voting in our state and the  
7       fact that some of the older citizens in our state may  
8       think they will be ineligible to vote if this bill  
9       passes and the law is changed. I do not believe any of  
10      us want someone to be discouraged from voting simply  
11      because a change in the law might cause them confusion  
12      and leave them susceptible to intimidation during a  
13      election.

14              We need to balance the need for an accurate  
15      vote with the need to protect people's rights.

16              REP. STRAMA: Will the lady yield now?

17              REP. CHAVEZ: I will yield.

18              SPEAKER: The lady yields for a question  
19      Mr. Strama.

20              REP. STRAMA: With regards to the example  
21      that Ms. Casteel and Ms. Denny just discussed, current  
22      law already provides for ID requirements in the case  
23      that the voter does not have the voter certificate,  
24      isn't that correct?

25              REP. CHAVEZ: That's correct.



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61

1 REP. STRAMA: So currently provided  
2 security and integrity in the electoral process, didn't  
3 it?

4 REP. CHAVEZ: Right.

5 REP. STRAMA: And it's also the case when  
6 you go to the polling place, that you have to sign in to  
7 vote, is that correct?

8 REP. CHAVEZ: That's correct.

9 REP. STRAMA: And in signing in, you're  
10 an affidavit that swears you are who say you are, aren't  
11 you?

12 REP. CHAVEZ: That is correct.

13 REP. STRAMA: And isn't it also the case  
14 that that signature is then available and is often used  
15 for verification against the signature on your voter  
16 registration form?

17 REP. CHAVEZ: That is correct.

18 REP. STRAMA: To verify that you are the  
19 person that you said you are?

20 REP. CHAVEZ: That's the current process.

21 REP. STRAMA: That's what I thought it  
22 did. Thank you.

23 REP. CHAVEZ: Thank you. So members, I  
24 ask that you vote "No" on the motion to table.

25 SPEAKER: Ms. Chavez sends up an



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1 amendment. Ms. Denny moves to table. The question  
2 occurs on the motion to table. It is a division vote.

3 Record vote has been requested. Record  
4 vote is granted. The clerk will ring the bell.

5 (Bell ringing.)

6 SPEAKER: Show Ms. Denny voting "I."

7 (Bell ringing.)

8 SPEAKER: There being 84 "I's," 59  
9 "Nay's, the motion to table prevails.

10 Following amendment. The clerk will read  
11 the amendment.

12 THE CLERK: Amendment by Anchia.

13 SPEAKER: The chair recognizes  
14 Mr. Anchia.

15 REP. ANCHIA: Thank you, Mr. Speaker and  
16 members. I've had a really good working relationship  
17 with Chairwoman Denny and I'm here to help her improve  
18 her bill, and I really -- I don't want to see it go down  
19 in flames so I'm here to really improve it and really  
20 help improve opportunity for Texas voters.

21 What Ms. Denny's bill essentially does, it  
22 invalidates what have been years and years and years of  
23 the opportunity of Texas voters to bring their voter  
24 registration certificate to the polling place as proof  
25 of their identity, and a byproduct of the bill is that



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1 people are going to be disenfranchised, whether they're  
2 students, whether they're seniors and whether they're  
3 disabled.

4 Now when we were in committee, I want to give  
5 people a sense of the testimony we heard in committee.  
6 We heard from seniors groups, we heard of groups that  
7 are advocates for disabilities and we heard from groups  
8 that were for enfranchisement of students. All right.  
9 They talked about all of these things.

10 What we did not hear in committee, Mr. Speaker  
11 and members, we did not hear one shred of evidence that  
12 proved that there was voter fraud in this state. We  
13 heard anecdotes loosely discussing it, but not one study  
14 was presented. No metrics were presented. No evidence  
15 was presented and no proof was presented to substantiate  
16 it. So much so that I had to ask the question. I asked  
17 the Secretary of State's representative to come on up  
18 and I asked her, I said, "Do you have any proof that  
19 people are fraudulently voting in this state," and you  
20 know what the representative said? No.

21 All we have heard today, and if this was a  
22 court of law, this case would be thrown out on its ear  
23 for lack of evidence. What we do know is that people  
24 will be disenfranchised. And let me tell you a story of  
25 a student. You have a student from Texas who may go,



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1 let's say, to an Ivy league school, let's say Harvard,  
2 and is still registered back in Houston. The student  
3 comes back to vote in a local election and comes to the  
4 polling place and presents their Massachusetts driver's  
5 license and their Harvard ID card.

6 Under this bill, that student would not be  
7 able to vote regularly. That student would have to cast  
8 a provisional ballot, and if anybody here thinks that's  
9 a good result, I would ask you to think otherwise,  
10 because you know what percentage of provisional ballots  
11 were counted during the 2004 election? Twenty-one  
12 percent. Twenty-one percent of provisional ballots were  
13 counted during the last election.

14 So that effectively, 80 percent of the people  
15 who cast provisional ballots were unable to cast a  
16 vote.

17 Let me tell you how this might effect  
18 seniors. There are many seniors in the district that I  
19 represent, many of whom do not drive and do not have  
20 regular forms of identification, but they still take  
21 their right to vote very seriously, and they're going to  
22 come to the polling place and offer their voter  
23 registration certificate, they're going to pull it out  
24 and it's going to be all crinkled up and they say, "You  
25 know, I've been voting here for the last 50 years, you



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1 know me, I'm ready to vote," and the person at the  
2 location is going to say, "You know what? Do you have a  
3 piece of photo ID," and they're going to say, "No." And  
4 they're going to say, "Well, you can't vote regularly,  
5 you have to cast a provisional ballot."

6 So the byproduct of this is you're going to  
7 have thousands and thousands and thousands of  
8 provisional ballots that are not going to be counted,  
9 causing people to be disenfranchised. So what my  
10 amendment does is it says you can furnish either your  
11 voter registration certificate, like people have been  
12 doing for 50 years, or you can present some form of  
13 valid photo identification, because there are some good  
14 things about, about the Chairwoman's bill that I really,  
15 really like, and I'd like to highlight for you.

16 I like the fact that she has extended the list  
17 of eligible ID that can be presented. So what my  
18 amendment does is build on that strength and say, "You  
19 can present this form of ID or a voter registration  
20 certificate," and I know I can tell that I'm winning  
21 hearts and minds as part of my debate here, and I know  
22 that my discussion is resonating to people here.

23 REP. HODGE: Mr. Speaker.

24 SPEAKER. Ms. Hodge, for what purpose?

25 REP. HODGE: Will the gentleman yield for



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1 just one question?

2 SPEAKER: Will you yield for a quick  
3 question?

4 REP. ANCHIA: Ms. Hodge, let me close  
5 real quick and I'll take your questions and, Ms. Hodge,  
6 I'll be happy to also have my time extended. I'll make  
7 that motion.

8 But let me talk to you about two more things,  
9 because I think this will be important to you. You  
10 know, we've recognized many people who are fighting in  
11 Iraq here and they're fighting in Afghanistan, and we  
12 recently had elections in Iraq and Afghanistan, and do  
13 you know that Mary Denning's bill would make it harder  
14 to vote in Texas than it would be to vote in Afghanistan  
15 and Iraq? Because people in Afghanistan and Iraq do not  
16 have to show photo ID in order to vote. So we are  
17 placing a higher burden. We say we're trying to promote  
18 democracy but we are hurting democracy when, in the  
19 United States and the state of Texas, it would be harder  
20 to vote than in a place like Iraq or Afghanistan, where  
21 our young men and women are seeking to promote  
22 democracy. I think that's a bad result. I yield for  
23 questions.

24 SPEAKER: Yes, Ms. Hodge.

25 REP. HODGE: Thank you, Mr. Speaker, but,



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1 sir, you've already answered my question, because that  
2 is what I was going to ask you. Isn't it ironic that we  
3 are losing lives of young men and women in Iraq, and we  
4 did in Afghanistan, and our end and ultimate goal to  
5 that was for them to have freedom, democracy and the  
6 right to hold an election to vote, and we are taking  
7 from the people in this country what we're losing lives  
8 to have in others, and that was going to be my question  
9 to you.

10 REP. ANCHIA: Thank you, and this is a  
11 great amendment.

12 REP. OTTO: Mr. Speaker.

13 SPEAKER: For what purpose, Mr. Otto?

14 REP. OTTO: Will the gentleman yield for  
15 a question.

16 SPEAKER: Will you yield?

17 REP. ANCHIA: Yes, I yield to my freshman  
18 colleague, Mr. Otto.

19 REP. OTTO: You brought up Iraq. I'm  
20 just curious, would you change your amendment to have  
21 where we use a purple indelible ink stain on our fingers  
22 on election day, just as they did, so we know who has  
23 only voted once?

24 REP. ANCHIA: You know, that amendment is  
25 not on the table. It would require extra funding.



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1 You'll note that there's no fiscal note on this deal.  
2 If you want to find money for that, I'm not sure that  
3 that's a bad result. I would be happy to take it if you  
4 would vote for this amendment, and if I could get a  
5 guarantee from this body, you know, you can offer the  
6 amendment up and I'll support you on it.

7 REP. OTTO: Do you know how many people  
8 in Iraq have driver's licenses?

9 REP. ANCHIA: I have no idea, nor do I  
10 know how much photo ID is available in Iraq, but I do  
11 know that, like in Iraq, there are a lot of people here  
12 in the United States that don't have those same  
13 resources, don't have the resources to go out and get  
14 them, and they're going to show up, Mr. Otto, on  
15 election day, and they're going to say, "I've been  
16 voting here for 50 years, I'm 90 years old, I don't  
17 drove any more, I don't have a photo ID, but here's my  
18 voter registration card and I fought to get this and I  
19 want to vote today." And you know what they're going to  
20 say? "Cast a provisional." Only 20 percent of those  
21 are counted, and I don't think that's a good result for  
22 people who are legitimately here, especially Mr. Otto,  
23 when we don't have any evidence in the record, Mr. Otto,  
24 we don't have any record, any evidence in the record to  
25 support this restriction on Texan's right to vote.



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1 REP. OTTO: Thank you.

2 SPEAKER: For what purpose, Mr. Strama?

3 REP. STRAMA: To ask the gentleman a  
4 question?

5 SPEAKER: Do you yield?

6 REP. ANCHIA: Not to Mr. Strama. No, I  
7 yield, I yield, I yield.

8 REP. STRAMA: I'm Patrick (Inaudible.)  
9 I'm just kidding. In South Africa, they used a form of  
10 indelible ink to make sure people didn't vote more than  
11 once as well, isn't that correct?

12 REP. ANCHIA: I don't know that but I'll  
13 take your word for it.

14 REP. STRAMA: Do you know that I was  
15 asked actually by some international foundation to go be  
16 an election observer at the Iraq election?

17 REP. ANCHIA: I think you mentioned that.

18 REP. STRAMA: Do you know that they  
19 allowed you to register to vote at the polling place in  
20 those elections?

21 REP. ANCHIA: I did not know that.

22 REP. STRAMA: And in the South African  
23 elections as well, because if the indelible ink is there  
24 to protect against anybody voting more than once would  
25 solve the problem, would you support a indelible ink



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1 marker on same day voter registration, would you support  
2 that?

3 REP. ANCHIA: Oh, absolutely, I think  
4 same day voter registration is a good result.

5 REP. STRAMA: So would I.

6 REP. ANCHIA: I move adoption of my  
7 amendment.

8 SPEAKER: Mr. Doorkeeper, do we have any  
9 good news from the Senate?

10 NEW SPEAKER: Mr. Speaker, I have a  
11 message here from the Senate to the door of the House.

12 SPEAKER: Messenger?

13 DOORKEEPER: Mr. Speaker, I'm directed by  
14 the Senate to inform the House the Senate has taken the  
15 following action. The Senate passed the following  
16 measure: HCR 136, Kemple, Sponsor Wentworth, May, 2000.

17 SPEAKER: The Chair recognizes Ms. Denny  
18 in opposition to the amendment.

19 REP. DENNY: Thank you, Mr. Speaker.  
20 Members, I know Mr. Anchia means well but I don't want  
21 to restrict in any way the intent of this bill.  
22 Members, students in Massachusetts that would go to the  
23 trouble to change their driver's license to a  
24 Massachusetts driver's license would probably already  
25 have thought to change their voter registration to



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71

1 Massachusetts as well, so I don't think that that would  
2 be an issue that would be a big problem here.

3 Yes, Mr. Strama.

4 REP. STRAMA: Mr. Speaker.

5 SPEAKER: For what purpose, Mr. Strama?

6 REP. STRAMA: Will the lady yield for a  
7 question.

8 SPEAKER: Do you yield for a question?

9 REP. STRAMA: I certainly do.

10 SPEAKER: The lady yields.

11 REP. STRAMA: Do you accept the long line  
12 of jurisprudence that says that a student in  
13 Massachusetts whose residence is Austin, Texas is  
14 allowed to vote in Austin?

15 REP. DENNY: Yes; if they want to vote in  
16 Austin, Texas as a student and retain their voters  
17 registration here, of course, that's not a problem.

18 REP. STRAMA: But they might still have a  
19 Massachusetts driver's license, right?

20 REP. DENNY: They might, but there are  
21 many other forms of ID that are available under this  
22 bill.

23 REP. STRAMA: Well, of course, a lot of  
24 forms of those ID might be in their parents' name.

25 REP. DENNY: No, they have their own ID.



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1 REP. STRAMA: Let me just make clear  
2 something you just said. You just said that if students  
3 in Massachusetts who have gotten their driver's license  
4 in Massachusetts would probably have gone ahead and  
5 changed their voter registration.

6 REP. DENNY: They probably would have.

7 REP. STRAMA: But they are not at all  
8 required to do that by this bill.

9 REP. DENNY: No, they're not at all by  
10 law required, but they're going to have, under this list  
11 that this bill allows for, plenty of ID under this bill  
12 that will allow them to vote in either Massachusetts if  
13 they change their voter registration there, not that  
14 this bill would apply to Massachusetts, but in Texas, if  
15 they want to keep it here.

16 REP. STRAMA: And would you believe that  
17 we ought to allow them --

18 The purpose of the ID is to ensure that  
19 the person's whose name is on the list is the person who  
20 is presenting themselves to vote, is that correct?

21 REP. DENNY: Absolutely, that's correct,  
22 Mr. Strama.

23 REP. STRAMA: Okay. And the signature is  
24 not enough any more. Now we have to have some form of  
25 paper that proves that they are who they say they are.



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1 That's the purpose of bill.

2 REP. DENNY: That's correct.

3 REP. STRAMA: And so it can either be one  
4 photo ID or two forms of paper ID.

5 Why can't it be their out of state student's  
6 ID? If you accept that they're legal voters in Texas,  
7 why can't their student ID be sufficient to prove that  
8 they are who they say they are?

9 REP. DENNY: Because it may not be that  
10 they're a student there any longer.

11 REP. STRAMA: I'm sorry?

12 REP. DENNY: They may not --

13 It might not have been a current student ID.

14 REP. STRAMA: What if it is a current  
15 student ID and they are presenting themselves to vote  
16 and it's a student ID from outside the state but they're  
17 legal voters on Texas, they're on the list, they've got  
18 a residence address, they meet all the jurisprudential  
19 standards for residency, shouldn't they be allowed to  
20 vote here?

21 REP. DENNY: Yes, that is a possibility;  
22 however, there are many other forms of ID that are on  
23 the list, and being from an out of state, an ID from an  
24 out of state college is not one of them.

25 REP. STRAMA: Okay, so I just want to



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1 make very clear on intent; that there is no intent to  
2 change residency requirements for purposes of voting in  
3 this legislation?

4 REP. DENNY: That's correct.

5 REP. STRAMA: Thank you.

6 REP. DENNY: Thank you. I move to table  
7 the amendment, and the list is quite extensive. You  
8 have it in front of you and I hope you will stick with  
9 me. Please vote "Yes" on the motion to table.

10 SPEAKER: Ms. Denny moves to table. The  
11 Chair recognizes Mr. Anchia to close.

12 REP. ANCHIA: Thank you Mr. Speaker,  
13 members, I really do want to help Chairwoman Denning's  
14 bill. I mean, I think -- I think it does have quite a  
15 few redeeming qualities.

16 I think by voting for my amendment, you're  
17 voting for the side of enfranchising people, you are  
18 voting on the side of making it easier to vote in  
19 connection with and consistent with the Help America  
20 Vote Act.

21 Keep in mind that the Help America Vote Act  
22 did not take this position. We are making it more  
23 restricted. This is not the Hurt America Vote Act, this  
24 is the Help America Vote Act, and this amendment expands  
25 the ability of people to vote in this state. I think



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1 that's a good result.

2 I think you should be on the side of helping  
3 people to vote, and our chairwoman made an interesting  
4 observation, at 2:59 p.m., because I was looking at the  
5 clock and I noticed it. She said that this bill will be  
6 more difficult for some people than others to comply  
7 with. She made that admission at 2:59 p.m., that it is  
8 going to be difficult for some people to comply with  
9 this bill, so if we are consistent with the spirit of  
10 Help America Vote Act, we are consistent with the spirit  
11 of enfranchising people, then we will vote to adopt this  
12 amendment.

13 I will also point out one thing, one further  
14 thing. Chairwoman Denning's bill will not stop fraud.  
15 If a person wanted to commit fraud, they would simply  
16 have forged documents. If a person wants to vote  
17 illegally, the laundry list of documents that she  
18 presents offer easy opportunities for forgery, and we  
19 know how well poll workers are trained. We know what  
20 their abilities might be in discerning a fraudulent  
21 document from a real document, so the red herring here  
22 or the straw man here is that Chairwoman Denning's bill  
23 will stop fraud. It will not stop fraud. The fact that  
24 we have no evidence of fraud in the record, I think,  
25 should weigh heavily --



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1 REP. THOMPSON: Mr. Speaker?

2 SPEAKER: For what purpose,

3 Ms. Thompson?

4 REP. ANCHIA: -- to adopt my amendment.

5 REP. THOMPSON: Will the gentleman yield?

6 SPEAKER: Will you yield?

7 REP. ANCHIA: Yes, he will.

8 SPEAKER: Yes, the gentleman yields.

9 REP. THOMPSON: Are you on this  
10 committee?

11 REP. ANCHIA: I'm sorry?

12 REP. THOMPSON: Were you on this  
13 committee?

14 REP. ANCHIA: I was on this committee,  
15 Madam Chair.

16 REP. THOMPSON: And you heard this bill?

17 REP. ANCHIA: We heard this bill. I  
18 heard the testimony.

19 REP. THOMPSON: Okay. Do you recall when  
20 you first arrived here, that there was a contest on the  
21 Vo election and it was based on fraud?

22 REP. ANCHIA: Yes. You raise a very  
23 interesting point. The Vo/Heflin election is probably  
24 the best evidence that we can have of whether or not  
25 there was voter fraud.



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1 Like we have heard today, we heard wild  
2 allegations that voter fraud existed. We heard of  
3 people who are dead who had voted in that race. We  
4 heard about people who may have not been the persons  
5 that voted. We heard wild allegations about voter  
6 fraud. You know what, you know what happened, Madam  
7 Chair.

8 REP. THOMPSON: What did the evidence  
9 show?

10 REP. ANCHIA: I'm sorry?

11 REP. THOMPSON: What did the evidence  
12 show?

13 REP. ANCHIA: The evidence showed quite  
14 to the contrary.

15 REP. THOMPSON: No fraud.

16 REP. ANCHIA: No fraud.

17 REP. THOMPSON: Are you aware of the fact  
18 that this is the same bill that was filed in the state  
19 of Georgia?

20 REP. ANCHIA: I am aware of that.

21 REP. THOMPSON: Are you aware that this  
22 was the same bill that was filed in the state of  
23 Wisconsin.

24 REP. ANCHIA: That the Governor vetoed, I  
25 am aware of that.



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1 REP. THOMPSON: And this is the same bill  
2 that has filed in several states around the United  
3 States?

4 REP. ANCHIA: Yes I'm aware of that.

5 REP. THOMPSON: And is all sponsored by  
6 the Republican party.

7 REP. ANCHIA: I'm not aware of the  
8 sponsors. I think it's bad policy whether it's in  
9 Georgia, Wisconsin or anywhere else. I think we should  
10 be -- Texas is a special state. We should be on the  
11 side of voters here and we should be on the side of  
12 enfranchising and not disenfranchising people.

13 REP. THOMPSON: Are you aware that --  
14 Do we have any laws that punish people for  
15 voter fraud?

16 REP. ANCHIA: Absolutely, and quite  
17 stringent laws. In fact, there have been quite a few  
18 penalty enhancements that I've supported while I've been  
19 on the committee in order to punish those bad actors. I  
20 think what you have here is a ghost that people are  
21 trying to shoot at.

22 REP. THOMPSON: You mean we have  
23 something in place that would punish people now?

24 REP. ANCHIA: Absolutely.

25 REP. THOMPSON: You're kidding us?



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1 REP. ANCHIA: No, I'm not.

2 REP. THOMPSON: This body doesn't know  
3 that, I'm sure.

4 REP. ANCHIA: Mr. Speaker and members, I  
5 ask that you help improve this bill, that you stand with  
6 me on this vote and you stand on the side of making it  
7 easier in Texas to vote, making it easier for the  
8 elderly, for the disabled and for students to vote in  
9 this state. Please support my amendment.

10 SPEAKER: Mr. Anchia sends up an  
11 amendment. Ms. Denny moves to table. The question  
12 occurs on the motion to table. It is a division vote.  
13 Those in favor of the motion to table, vote "I," those  
14 against, vote "No."

15 SPEAKER: Record vote has been requested  
16 and granted. The clerk will ring the bell.

17 (Bell ringing.)

18 SPEAKER: Show Ms. Denny voting "I."

19 (Bell ringing.)

20 SPEAKER: Show Mr. Anchia voting "Nay."

21 (Bell ringing.)

22 SPEAKER: Have all voted? There being 75  
23 "I's," and 62 "Nay's," the motion to table prevails.

24 The following amendment. The clerk will read  
25 the amendment.



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1 Mr. Uresti for recognition.

2 REP. URESTI: Thank you, Mr. Speaker,  
3 members. Representative Denny and I would like to  
4 introduce some folks from the Bexar County Deputy  
5 Sheriff's Association with their president, Aubrey  
6 Walker, and the chairman Hector Garcia Delgado.

7 Gentlemen and ladies, would you all please  
8 stand up and be recognized. Members, would you please  
9 help me welcome our sheriff deputies, and it's  
10 acceptable the author. Thank you.

11 SPEAKER: The following amendment. The  
12 clerk will read the amendment.

13 CLERK: Amendment by Ramond.

14 SPEAKER: The Chair recognizes  
15 Mr. Raymond.

16 REP. RAYMOND: Thank you, Mr. Speaker,  
17 members. Members, this would simply insert the language  
18 between Department of Public Safety and that by  
19 inserting, "Or the equivalent agency of another state,"  
20 and this would primarily be for the benefit of out-of-  
21 state students, and it's acceptable to the author at  
22 this time.

23 SPEAKER: Mr. Raymond sends up an  
24 amendment. The amendment is acceptable to the author.  
25 Is there objection to adoption?



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1                   Hearing none, the amendment is adopted.

2                   The following amendment. The clerk will read  
3 the amendment.

4                   CLERK: Amendment by Strama.

5                   SPEAKER: The Chair recognizes  
6 Mr. Strama.

7                   REP. STRAMA: Thank you, Mr. Speaker.  
8 I'm going to give Representative Chairwoman Denny a  
9 minute to take a look at what this one does. I'm hoping  
10 this one will be acceptable. We had a discussion a  
11 moment ago about students who go to school out of state  
12 but who are, of course, eligible and entitled to vote  
13 here in Texas.

14                  I used to manage a national voter registration  
15 campaign called Rock the Vote, which particularly  
16 focused on the registration of college students and  
17 other young people to participate in our elections.  
18 They are the demographic group with the lowest rate of  
19 voter turnout. There's been some trending in the right  
20 direction on this. What we need to do is to make sure  
21 that these students are not disenfranchised by this  
22 bill. We need to make sure that out-of-state students,  
23 students who go to school out of state but who are  
24 allowed to vote in Texas because their residency is here  
25 in Texas, their parents are here in Texas, they have the



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1 intention of returning to live in Texas, that their  
2 student IDs would serve the sole purpose, for purposes  
3 of this bill, the sole purpose of identification  
4 requirements is to make sure that the person is who he  
5 or she says he is, and an out-of-state student ID is as  
6 valid as an in-state student ID for purposes of proving  
7 and authenticating your identity, and I've just been  
8 informed it's acceptable to the author, and I appreciate  
9 that very much.

10 SPEAKER: Mr. Strama sends up an  
11 amendment. The amendment is acceptable to the author.  
12 Is there objection to adoption?

13 Hearing none, the amendment is adopted.

14 The following amendment. The clerk will read  
15 the amendment.

16 CLERK: Amendment by Strama.

17 SPEAKER: The Chair recognizes  
18 Mr. Strama.

19 REP. STRAMA: This one is really -- let  
20 me say this. Chairwoman Denny has done a good job of  
21 expanding the forms of non-photo ID. While I think that  
22 the requirement of two such forms is excessive, I think  
23 it's good that we're being flexible about what forms of  
24 ID count for purposes of voter authentication.

25 What this amendment does is it says any



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1 government issued photo ID is valid to serve as a photo  
2 ID, the reason being we simply don't need to go through  
3 and enumerate all of the different forms of photo ID  
4 that are issued by state government, and I'm not sure we  
5 probably could, so this amendment just says if the state  
6 government has issued you a photo ID, we're going to  
7 consider that a valid authentication of your identity as  
8 a voter, and I'm hoping with another moment of review,  
9 it might be acceptable to the author.

10 SPEAKER: Mr. Strama sends up an  
11 amendments. The amendment is acceptable to the author.  
12 Is there an objection to adoption?

13 Hearing none, the amendment is adopted.

14 The following amendment. The clerk will read  
15 the amendment.

16 CLERK: Amendment by Coleman.

17 SPEAKER: The Chair recognizes  
18 Mr. Coleman.

19 REP. COLEMAN: Thank you, Mr. Speaker,  
20 and members. What this amendment does is strike the  
21 provisions that have to do with the use of an ID for a  
22 provisional voting. And the reason is, it's not  
23 required now, and we seem to have been doing a good job  
24 without it being required, and as I laid out earlier in  
25 the discussion with Chairwoman Denny, that, first of



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1 all, if you walk up with the voter registration card,  
2 you have your voter registration card, you go to the  
3 clerk in the precinct and you say, "I'm here, I'm  
4 Garnet. I have my voter registration card."

5 Now there would be a requirement that you have  
6 a picture ID, and if you don't have that picture ID,  
7 you're moved into the provisional voting pool, and that  
8 provisional ballot has been sitting there in that  
9 provisional voting pool and now that provisional ballot  
10 would be subject to a review by the county voting, the  
11 voter administrator, but in order to have your vote  
12 subject to review as being a good vote, you would have  
13 till five days after the election to bring your ID to  
14 the central voting location, so you actually would have  
15 to go in twice if you didn't have a photo ID, even  
16 though you came with your voter registration card, or if  
17 you just didn't happen to be carrying around your light  
18 bill and your phone bill, or any other forms of mail,  
19 you know, that you get at your house, in your wallet or  
20 your pocket that day, and, you know, clearly I can  
21 understand what Representative Denny is trying to do in  
22 terms of having use of the photo ID, it's just, that it  
23 goes a little bit far by nullifying someone's votes  
24 because they didn't have a photo ID with them or they  
25 didn't have two forms of paper identification, either a



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1 tax bill or a light bill or a phone bill or a gas bill.  
2 I generally carry those around. I think most people are  
3 doing that now by direct deposit, so they don't even get  
4 one. So anyway, I think the --

5 REP. ANCHIA: Mr. Speaker?

6 REP. COLEMAN: -- on that question.

7 REP. ANCHIA: Mr. Speaker?

8 SPEAKER: For what purpose?

9 REP. ANCHIA: Will the gentleman yield?

10 SPEAKER: Mr. Coleman, do you yield? Y

11 REP. COLEMAN: Yes, sir.

12 SPEAKER: The gentleman yields.

13 REP. ANCHIA: Thank you, Chairman.

14 Coleman. I think it's really important that we pause  
15 for a moment and listen to what you're talking about,  
16 especially for those people who represent rural  
17 communities, where you have one voting location in the  
18 entire county and people have to drive 30 or 40 miles.  
19 They're going to show up, if this bill passes, like they  
20 have for the last 30, 40 years. Maybe their church is  
21 going to take them there; and they're going to drop them  
22 off at the polling location and they're going to present  
23 their voter registration certificate, like they have for  
24 the last 50 years, and they don't have photo ID. What's  
25 going to happen at that point, Mr. Coleman?



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1 REP. COLEMAN: Well, what's going to  
2 happen is if they don't have their photo ID, their vote  
3 becomes a provisional ballot, and that provisional  
4 ballot won't be counted as a legal vote, even though  
5 they had their voter registration card, unless they go  
6 to the voter registrar, the voter -- voting  
7 administrator's office, and present a photo ID, which  
8 could be 30, 40, miles or further from their house.

9 REP. ANCHIA: And what's the time frame  
10 you have to do that in?

11 REP. COLEMAN: That's within five days  
12 after the election.

13 REP. ANCHIA: So I heard the Chairwoman  
14 kind of make light of the AARP's letter, but this is  
15 probably one of the reasons that they're in opposition  
16 to this, because you have people who are going to be  
17 traveling 30, 40, 50, 60 miles, right, with their  
18 church. They're going to get dropped off, they're going  
19 to show up with their voter registration certificate and  
20 they're going to say, "I'm ready to vote," and they're  
21 going to say, "Yes, you have to do a provisional,"  
22 right?

23 REP. COLEMAN: That's correct, and the  
24 let me be very clear again, you can have your voter  
25 registration card with you. If you don't have a photo



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1 ID or if you aren't in the habit of carrying your phone  
2 bill, your light bill and all those things around with  
3 you and you don't go to the voter administrator up to  
4 five days after the election, your vote won't count.

5 REP. ANCHIA: Even if you're on the list?

6 REP. COLEMAN: Even if you're on the  
7 list.

8 REP. ANCHIA: Even if you've been voting  
9 there for 50 years.

10 REP. COLEMAN: Even if you're on the  
11 list, most especially if you're on the list. So think  
12 it hasn't come to people how serious a change this is in  
13 that it actually nullifies votes. It says if you didn't  
14 have these forms of identification, even though your  
15 voting registration card, your vote doesn't count.

16 REP. ANCHIA: So do you think it was the  
17 intent of the AARP's letter to show that seniors will,  
18 in fact be disenfranchised by this policy?

19 REP. COLEMAN: I think that was their  
20 intent. I think the other part is too we used to have a  
21 presumption under a challenged vote that your vote was  
22 good until proven not good. Now we have a presumption  
23 that your vote is not a good vote until proven not a  
24 good vote. But now we go even further and we say your  
25 vote isn't a good vote if you didn't show an ID, even



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1       though you have your voter registration card and your  
2       name is on the rolls.

3               REP. ANCHIA: And does it surprise you  
4       that you that during the last election cycle, 80 percent  
5       of provisional ballots were not counted?

6               REP. COLEMAN: No, it actually doesn't  
7       surprise me, because, again, this was all the idea that  
8       we would help Americans vote, and feel very proud about  
9       their democracy. And again, in this situation, it  
10      actually is a hindrance in terms of Americans voting,  
11      and Texans will get the worst of it because the  
12      presumption is that your vote doesn't count if you don't  
13      have an ID even though you have a voter registration  
14      card.

15              You've done everything you're supposed to do,  
16      everything you're supposed to do, and members, that's  
17      why I brought this amendment to strike that language  
18      that says you don't need a driver's license or a photo  
19      ID to say that your provisional ballot counts and the  
20      system would work as it has worked, where the  
21      provisional ballots are made or said to be good or valid  
22      or invalid ballots based on the count by the county  
23      election administrator.

24              Yes, I yield.

25              SPEAKER: Mr. Veasey, for what purpose?



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1 REP. VEASEY: Does the gentleman yield?

2 SPEAKER: Do you yield, Mr. Coleman?

3 REP. COLEMAN: I would be happy to yield.

4 SPEAKER: The gentlemen yields.

5 REP. VEASEY: Mr. Coleman, I was  
6 wondering if the voter registration card, by itself, is  
7 not going to be good enough any more for individuals in  
8 this country to vote, then why should the county go  
9 through the expense of printing them up? I'm trying to  
10 --

11 REP. COLEMAN: Yes, I guess if you hit  
12 the right precinct that let's you know who you're  
13 supposed to be voting for, but quite frankly, under this  
14 bill, you don't even need a voter registration card any  
15 more if you have your driver's license, as long as your  
16 name is on the roll.

17 It's really interesting because your name  
18 could be on the roll and you're a good voter if you have  
19 a driver's license but you're not a good voter if you  
20 have a voter registration card, and that just doesn't  
21 seem to make good logic in terms of when we want people  
22 to vote.

23 Even if, even if Ms. Willie May Robinson, the  
24 precinct judge in my precinct, knows me, I can't even do  
25 an affidavit any more. I can't even do an affidavit any



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1 more.

2 REP. STRAMA: Mr. Speaker, will the  
3 gentlemen yield?

4 REP. COLEMAN: Yes.

5 SPEAKER: The gentleman yields,  
6 Mr. Strama.

7 REP. STRAMA: I only had a second to look  
8 at your amendment. Does your amendment also take away  
9 the authority of the provisional ballot counting  
10 authorities to throw out a ballot this doesn't meet the  
11 identification requirements?

12 REP. COLEMAN: Yes, that's the added  
13 language that the provisional ballot can count even  
14 though you didn't show a voter ID, you know, a picture  
15 ID, because the provisional ballot is based on whether  
16 or not you are an eligible voter.

17 We've just created a new category of a non  
18 eligible voter, and I know it's confusing in the  
19 amendment. That's existing law. It just stuck because  
20 it will stay in the law even with those underlying  
21 portions.

22 REP. STRAMA: So let me understand.  
23 We're going to have a --

24 Do we still -- with your amendment, would  
25 the bill still require a voter to vote a provisional



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1 ballot if they don't have the necessary ID requirement  
2 prescribed in House bill 1706?

3 REP. COLEMAN: No, I don't believe so.  
4 Under my amendment, it strikes --

5 SPEAKER: Mr. Kaufman raises the point of  
6 order the gentleman's time has expired. The point of  
7 order is well taken and sustained. Thank you.

8 The Chair recognizes Ms. Denny to speak  
9 against the amendment.

10 REP. DENNY: Thank you, Mr. Speaker. I'm  
11 going to have to ask you to vote --

12 I'm going to move to table Mr. Coleman's  
13 amendment and ask you to vote with me to table this.  
14 This would take away the provisional ballot aspect of  
15 someone who did not show up with the required  
16 documentation that is needed to safeguard that right to  
17 vote.

18 You know, right now, when you show up to vote,  
19 if your name is on the list and you don't have your  
20 voter registration card and you sign in at the polling  
21 location, that is when you're signing that affidavit  
22 that you lost your card.

23 So anyway, I ask you to stick with me, please,  
24 and vote to table this amendment.

25 SPEAKER: Madam Chair?



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1 REP. DENNY: Yes, Mr. (Inaudible).

2 SPEAKER: Would you yield for a quick  
3 question, please?

4 REP. DENNY: I do.

5 REP. COLEMAN: So I just want to make  
6 sure that I'm clear. If someone walks into a polling  
7 place, I walk into precinct 136 in Houston, Texas and  
8 Miss Willie May Robinson is there, who has been there  
9 since forever, and I don't have a picture ID and I have  
10 my voter registration card, I can't an -- I can do a  
11 provisional ballot but my provisional ballot would not  
12 count unless I went to the county clerk's office and  
13 presented an ID?

14 REP. DENNY: Within five days.

15 REP. COLEMAN: Within five days. I'd  
16 have to literally go to make my vote, is that current  
17 law?

18 REP. DENNY: Yes, if you forgot --

19 No, it's not. If you forgot to have a photo  
20 ID or two other forms with you -- now remember, this is  
21 going to be wildly publicized before the election, so  
22 you're going to have -- and I'm going to accept an  
23 amendment by Ms. Chavez that these are going to be  
24 posted in large fonts on the door before you enter the  
25 polling place.



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1 REP. COLEMAN: But Chairwoman Denny, you  
2 already have a bill that we worked on last session that  
3 passed that consolidates voting locations because people  
4 get confused about where to go.

5 REP. DENNY: That's right.

6 REP. COLEMAN: So I mean, it's not at if  
7 people keep up with these types of things on a daily  
8 basis. As a matter of fact, don't you think that people  
9 are more likely to, if they've done something over and  
10 over again, to not update themselves on the new rules?  
11 And how would this information get out? Would it be  
12 mailed out with the new voter registration card? How is  
13 it going to get out.

14 REP. DENNY: I expect that that would be  
15 done. I expect there would be wide TV and radio  
16 coverage, it will be posted at every polling place, and  
17 like we've already discussed, Mr. Coleman, most of us,  
18 the huge majority of people carry some form of  
19 identification on them.

20 REP. COLEMAN: But I'm just curious, and  
21 I'll stop with this question. Why does a driver's  
22 license actually take precedence over a voter  
23 registration card in a polling place?

24 REP. DENNY: It's only to show that  
25 you're who you say you are, to safeguard that ballot



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1 being cast by you, Garnet Coleman.

2 REP. COLEMAN: Well, then if I go in and  
3 I cast a previous ballot, it shows up that I voted  
4 absentee, correct, on the list, on the voter roll?

5 REP. DENNY: Or that somebody cast your  
6 ballot for you.

7 REP. COLEMAN: Well, then I have to take  
8 that up with the voting administrators at that point, if  
9 I'm going in and it's me and I have my voter  
10 registration.

11 REP. DENNY: Then you've just been  
12 disenfranchised and you lost your right to vote and  
13 you're there and you know you didn't cast that vote.

14 REP. COLEMAN: If that's what I've done,  
15 then I've done that. That's why I say it takes care of  
16 somebody else coming in.

17 The issue is you are now adding a provision  
18 that says if I don't have my ID, even though I have my  
19 voter registration card, I have to go downtown, or  
20 wherever it is, to the county clerk's office, show them  
21 my driver's license or a photo ID, or like I'm carrying  
22 around a light bill and a phone bill, or else my vote  
23 doesn't count.

24 REP. DENNY: Yes, if you want it to  
25 count, that's what you have to do.



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1 REP. COLEMAN: Well, you know what?  
2 Chairwoman Denny, that's why I brought this amendment.  
3 That just goes way too far. It really does put a hurdle  
4 in front of voters.

5 REP. DENNY: Thank you, Mr. Coleman. I  
6 urge you to vote "Yes" to table this amendment.

7 SPEAKER: Chair recognizes Mr. Coleman to  
8 close.

9 REP. COLEMAN: Thank you, Mr. Speaker and  
10 members. The reason I asked Chairwoman Denny those  
11 questions is because what we've essentially done is  
12 created another hurdle in a trip for voters who don't  
13 have ID even though they have a voter registration card,  
14 and, you know, clearly a picture ID has now taken  
15 precedent over a voter registration card, and the reason  
16 I brought this amendment was to make sure that  
17 somebody's vote doesn't count, make sure that someone's  
18 vote does count, that the bill does not nullify  
19 someone's vote because they don't have a picture ID or  
20 they are not in the habit of carrying around their light  
21 bill, phone bill, electric bill, or whatever other bill  
22 it is that they have in their pocket. And I wish you  
23 would look at this logistics of going to vote --

24 SPEAKER: Mr. Strama, for what purpose?

25 REP. COLEMAN: We don't do it every day.



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1 I'd be happy to yield.

2 SPEAKER: Mr. Coleman, do you yield?

3 REP. COLEMAN: Yes.

4 SPEAKER: Mr. Strama.

5 REP. STRAMA: Mr. Coleman, I'm looking at  
6 the last part of your amendment, which takes away the  
7 provisional ballot counting authority, the ability to  
8 deny a ballot based on the criteria in the bill.

9 REP. COLEMAN: I'm sorry?

10 REP. STRAMA: In the second section of  
11 your amendment. As I read it, it says that a  
12 provisional ballot may not be denied on the basis of not  
13 meeting the requirement, the identification requirement  
14 in the bill.

15 REP. COLEMAN: That is correct.

16 REP. STRAMA: But the bill, the rest of  
17 your amendment sort of restores the identification  
18 requirements to current law.

19 REP. COLEMAN: That's correct.

20 REP. STRAMA: I guess I'm probably going  
21 to vote for the motion to table on this because I  
22 actually -- but I want to point something out.

23 You're pointing to the problem with the bill  
24 itself, because if anyone should be allowed to exercise  
25 this authority, it should be the provisional ballot



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97

1 counting authority. The problem is House bill 1706 is  
2 that --

3 REP. COLEMAN: I hope you're not reading  
4 this wrong. The reason I actually went to legislative  
5 counsel it make sure I was reading it right. It does  
6 not strike B, that's existing law, so even if you strike  
7 the whole section, you're really only striking the  
8 underlying language.

9 REP. STRAMA: Right.

10 REP. COLEMAN: And all it does is add  
11 that sentence that's at the bottom. Otherwise it goes  
12 fully back to current law with that sentence that's at  
13 the bottom of the amendment, so I don't think it does  
14 what you think it does.

15 REP. STRAMA: I think I understand. I  
16 guess what I want to point out is House bill 1706 gives  
17 a whole lot of authority to the election day poll  
18 workers, volunteers, untrained, often pretty old.

19 REP. COLEMAN: Yes. You know what they  
20 used to tell voter in my district if you came in?  
21 Ms. Willie May Robinson, wonderful woman, used to say if  
22 you went to do a challenge ballot, that before you  
23 filled out the challenge ballot, that this might be  
24 presented to the District Attorney.

25 You know, I grew up in the time where any time



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1 somebody said the word DA to you, if you were my color,  
2 you get a little nervous. As a matter of fact, any time  
3 somebody was from the government and they asked for  
4 anything, you get a little scared, so, you know, I  
5 remember when I first got here and they started putting  
6 those DPS officers at the gate driving in, I was like,  
7 "Oh, you know, I didn't do anything."

8 So there is a level of training that has to  
9 happen, but it's not --

10 People don't understand intimidation if  
11 they've never been intimidated. Now let me take some  
12 women going in and let me get some gang-bangers and put  
13 them back there as voter election officials. I bet a  
14 bunch of people would be intimidated, but the issue is  
15 the information as it flows to the precinct, that it is  
16 carried out appropriately. That's why we were afraid of  
17 the other bill that Representative Denny had with the  
18 swipe, that it might be confused and someone would say  
19 no, you really need an ID. Well, this bills does that.

20 REP. STRAMA: But you would agree that  
21 where this authority and this discretion could really be  
22 abused is at the local polling place.

23 REP. COLEMAN: Exactly. As a matter of  
24 fact, where most authority is and discretion is abused  
25 is at the local polling place and/or because of lack of



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1 appropriate training by the county election officials in  
2 the area.

3 So members, I ask you to vote no on the motion  
4 to table and make sure that the election system works  
5 for all of the folks. This is going to effect a lot of  
6 people in all of our districts. It's just not an issue  
7 of class or race or anything like that, it's an issue of  
8 access to the ballots. Please vote no on the motion to  
9 table.

10 SPEAKER: Mr. Coleman sends up an  
11 amendment. Ms. Denny moves to table. All those in  
12 favor, vote "I," all those opposed, vote "No."

13 It's a record vote. The clerk will ring the  
14 bell.

15 (Bell ringing.)

16 SPEAKER: Show Ms. Denny voting "I."  
17 Show Mr. Coleman voting "No."

18 Have all voted? Have all voted? There being  
19 84 "I's," 60 "Nay's," the motion to table prevails.

20 The Chair announces the signing of the  
21 following in the presence of the House.

22 CLERK: SBR 28, SBR 26, SBR 20, SB 1342,  
23 SB 796, SB 766, SB 693, SB 692, SB 574, SB 541, SB 407,  
24 SB 177 and SB 129.

25 SPEAKER: Mr. Doorkeeper?



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1 Mr. Doorkeeper?

2 DOORKEEPER: Mr. Speaker.

3 SPEAKER: Mr. Doorkeeper, for what  
4 purpose?

5 DOORKEEPER: I have a messenger from the  
6 Senate at the door of the House.

7 SPEAKER: Admit the messenger.

8 MESSENGER: Mr. Speaker, I'm directed by  
9 the Senate to inform the House the Senate has taken the  
10 following action. The Senate has passed the following  
11 measure: HB 965; Haggerty sponsored.

12 SPEAKER: The following amendment. The  
13 Clerk will read the amendment.

14 CLERK: Amendment by Escobar.

15 SPEAKER: The Chair recognizes Mr.  
16 Escobar.

17 REP. ESCOBAR: Thank you, Mr. Speaker,  
18 members. This amendment is a simple amendment. What it  
19 does is it says that an identification card that  
20 contains the person's photograph and is issued by a  
21 county elections administrator or a county clerk can be  
22 used as long as the commissioners court of that county  
23 authorizes the county elections administrator or the  
24 county clerk who issued the photograph as a  
25 identification card and it may be used as proof of a



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101

1 voter's identification and it's acceptable to the  
2 author.

3 SPEAKER: Mr. Escobar sends up an  
4 amendment. The amendment is acceptable to the author.

5 Is there objection? The Chair hears none.  
6 The amendment is adopted.

7 The following amendment. The Clerk will read  
8 the amendment.

9 CLERK: Amendment by Hochberg.

10 SPEAKER: The Chair recognizes  
11 Mr. Hochberg.

12 REP. HOCHBURG: Mr. Speaker, members,  
13 this is an amendment that leaves everything in the bill  
14 the way it is except that when the ballot goes to the  
15 board that looks at the provisional ballots, it says  
16 that there will basically be a presumption that if the  
17 only reason it's a provisional ballot is because the  
18 voter didn't have the right ID, then that's going to be  
19 presumed to be a good ballot unless the voting board has  
20 a reason to believe that there was fraud committed, and  
21 in that case, they can move ahead just like the bill  
22 says, but it wouldn't make the presumption, it would not  
23 make the presumption that anybody who didn't have proper  
24 identification was not casting a valid ballot.

25 SPEAKER: Chair recognizes Ms. Denny in



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102

1 opposition to the amendment.

2 REP. DENNY: Members, I can't accept this  
3 one because we have a very long and liberal list of  
4 acceptable ID, both photo and non-photo, and it just is  
5 going to be so easy for voters to come up with the  
6 acceptable forms, especially with the amendments that  
7 we've taken, making the list even more broad. I can't  
8 accept the amendment so I move to table Mr. Hochburg's  
9 amendment.

10 SPEAKER: The Chair recognizes  
11 Mr. Hochberg.

12 REP. HOCHBURG: Thank you, Mr. Speaker,  
13 members. I'm really -- I'm honestly surprised that this  
14 wasn't at least worthy of discussion about being  
15 acceptable, because what this is going to do is it will  
16 say that you don't have to make that trip down to the  
17 voting board, wherever it is, in order to present your  
18 documents, whatever they are, within five days.

19 The voting board doesn't have to set up a  
20 process for that. We don't have to pay people to sit  
21 there and come up with a way to accept these things and  
22 verify them and tag them back to the provisional  
23 ballots, but it does still allow that if somebody is  
24 believed to have committed fraud, if you have all of  
25 those examples we heard about, about people coming in



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103

1 four, five, six times, you're going to know that those  
2 are the ballots you're looking for, and for those  
3 ballots, it still gives the board that reviews these  
4 provisionals the same ability they would have in the  
5 bill. It just says for all the other people who just  
6 forgot their card and didn't show up anywhere else to  
7 vote --

8 REP. ANCHIA: Mr. Speaker?

9 REP. HOCHBURG: -- didn't show up --

10 SPEAKER: Chair, for what purpose?

11 REP. ANCHIA: Will the gentleman yield?

12 SPEAKER: Do you yield, Mr. Hochberg?

13 REP. HOCHBURG: Yes, sir, I yield.

14 REP. ANCHIA: Mr. Hochberg, I thought I  
15 had the best amendment on this bill but it's clear that  
16 you offer up the best amendment because, ostensibly,  
17 this is about fraud, correct?

18 REP. HOCHBURG: That's right.

19 REP. ANCHIA: We're being hold that the  
20 reason that we need to put these controls and strictures  
21 on voting is because of widespread fraud.

22 REP. HOCHBURG: Absolutely.

23 REP. ANCHIA: And doesn't your amendment  
24 deal specifically with the fraud issue?

25 REP. HOCHBURG: Absolutely. And it does



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104

1 it at a lower cost than having to go through and balance  
2 all these ballots.

3 REP. ANCHIA: Would this require any  
4 voter education?

5 REP. HOCHBURG: No.

6 REP. ANCHIA: Would it require any poll  
7 worker training.

8 REP. HOCHBURG: Not that I know of.

9 REP. ANCHIA: Would this not get thrown  
10 out those ballots that might be fraudulent?

11 REP. HOCHBURG: Absolutely, it would set  
12 them aside. You would still have the process where you  
13 vote a provisional ballot.

14 REP. ANCHIA: This one is a no brainer,  
15 Mr. Hochberg. Thank you for putting it forward.

16 REP. HOCHBURG: Thank you. I really was  
17 surprised, members, that this is not acceptable, because  
18 I really think this gets at what Ms. Denny is trying to  
19 take care of.

20 You still would have the requirement that you  
21 show ID. If you don't show ID, you still would have to  
22 vote provisionally. It would still separate the ballot  
23 off into a separate spot, and instead of all of those  
24 being thrown away, unless the voter went down and proved  
25 it up and then they had to correspond them and figure



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